

Walking the Tartan Tightrope

The British Labour Party and the Scottish Question 1974-1979



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LIST OF ABBREVIATIONS

AFA	Alliance for an Assembly
AUEW	Amalgamated Union of Engineering and Foundry Workers
BBC	British Broadcasting Corporation
CSA	Campaign for a Scottish Assembly
IBA	Independent Broadcasting Authority
LMY	Labour Movement Yes Campaign
LVN	Labour Vote No
MORI	Market & Opinion Research International
NEC	National Executive Committee
ORC	Opinion Research Centre
SCLP	Scottish Council of the Labour Party
SLP	Scottish Labour Party
SNP	Scottish National Party
SSN	Scotland Says No
STUC	Scottish Trades Union Council
TGWU	Transport and General Workers Union
TUC	Trades Union Council
UCATT	Union of Construction, Allied Trades and Technicians

1. INTRODUCTION

On 28 March 1979 the House of Commons passed a Motion of No Confidence in the Government. It was the first (and only) time since 1924 that a British government had lost such a motion. The result of the following election is well known; Margaret Thatcher changed her address to 10 Downing Street, and it would be 18 years before the people of the United Kingdom again elected a Labour Party government. The previous winter had been difficult for both the Government and the British people, and has in numerous narratives been described as “The winter of discontent”. It had been marked by uncollected garbage in the streets and unburied bodies in the graveyards as a consequence of heavy disputes between the trade unions and the Government, but the final issue which sealed the Government’s fate was its failed attempt to introduce devolution to Scotland and Wales. Polls had repeatedly shown that for several years the majority of the Scottish people wanted a greater degree of home rule. Administrative devolution through the Scottish Office was not considered sufficient and, indeed, many Scots were not even aware that it existed. In the post-war era the Labour Party had been the party of centralisation, and had successfully resisted any suggestions of devolving power to elected assemblies on the peripheries of the kingdom. When the Labour Party in 1974 abruptly changed its policy regarding devolution from opposition to support, and after one failed attempt finally managed to get a Bill through Parliament, it was simply rejected by the Scottish people. How could this happen? Why did Labour change its policy? What happened to the devolution Bill on its passage through Parliament that made it so unattractive to the voters? What took place during the referendum campaign, which resulted in this humiliating defeat for the sitting Government? These are some of the questions which will be explored in this thesis.

The chosen topic

Two main research questions have been formulated for this thesis:

- 1) What were the reasons for the Labour Party’s change of policy on devolution to Scotland, from opposition to support, during the 1970s and how can the outcome of this process be explained?

2) Why was it not possible for the Labour Party to secure a large enough majority in favour of its Scotland Bill in the 1979 referendum?

The term “devolution” is commonly interpreted as “some kind of self-government”, but in search for a more detailed definition the one formulated by the prominent political scientist, Professor Vernon Bogdanor, has been adopted. He defines devolution as “the transfer to a subordinate elected body, on a geographical basis, of functions at present exercised by ministers and Parliament”.¹ An elaboration on this definition, what devolution is and, also, what it is not, can be found in chapter 4 of this thesis.

The policy of the British Labour party with respect to devolution, with the sudden policy change that took place around 1974, has previously been discussed in academic literature, but mostly in passing in books dealing more generally with the subject of Scottish devolution or British history. Indeed, there are introductions to modern British history which omit the issue altogether when describing the fall of the Labour Government in 1979. The main work on the subject was published more than 25 years ago and written without access to the primary sources which later have been released. When the issue of Scottish devolution resurfaced in the public debate around 1997, culminating with the opening of the Scottish Parliament in 1999, this naturally prompted the writing of a large number of books on the subject. However, the focus was on the events of the late 1980s and the 1990s, whilst the story of the 1970s was confined, at best, to a background chapter. Still, Labour’s policy change in 1974 came to have dire consequences for both the Party and the devolution process. On a point of more general interest, it aptly illustrates the complications and perils of a hasty policy change, possibly made for pragmatic reasons, and not thoroughly embedded in the party. For these reasons the rather abrupt change of policy and the subsequent debate between the different factions within Labour up to the time of the fall of its Government, is deemed interesting enough to deserve a separate study.

The topic of Labour’s policies on devolution can be approached from several angles. One is nationalism: how different theories of *nationalism* and *identity* can be used to understand the idea of the Scottish nation and the place nationalism has in the quest for a Scottish parliament. Were there profound nationalist ideas within Scottish Labour, or was Labour merely reacting to (or even against) nationalist surges in Scottish society? Another approach is to explore the issue by applying theories of *political science*. Seen from this

¹ Vernon Bogdanor, *Devolution in the United Kingdom* (Oxford: Oxford University Press, 2001), 2.

perspective, an attempt could be made to shed light on how the electorate has voted for and against devolution and what has happened in the debates within and between parties, political movements and social groups. A third approach would be to focus on the *ideological* foundations of the Labour party: how the profound change of the ideological base of the social democratic parties of Europe in recent decades has contributed to changes in party policy, including policy on devolution. Where, ideologically speaking, it may make sense for New Labour in 1997 to be in favour of devolution, this was far less obvious in the ideological climate of the mid-1970s and is therefore worth a closer look. Since the issues dealt with in this thesis are complex and many-faceted, it has been found necessary to make use of all three approaches outlined above. For instance, one of the main topics which will be explored, the possible failure of the Labour Party to get the new policy to permeate the entire party, demands both the two latter approaches.

Scottish nationalism is of course far too extensive a subject to be dealt with within the limits of a postgraduate thesis, but some of the theories on nationalism and identity that are presently on offer will be examined and their relevance to the situation in Scotland assessed.

The time span selected for this thesis largely coincides with the Labour Government from February 1974 to May 1979. However, to be able to discuss whether the events of the spring of 1974 really entailed a break in Labour Party policy, or were merely a change of tactics or a return to a previous position, requires a review of some earlier statements made on the issue. A brief chapter will also be devoted to the period between the 1979 referendum and the establishment of the Scottish Parliament in 1999, mainly in order to discuss the further development of some of the arguments and ideas which had dominated the debate in the late 1970s.

As the parallel process of devolution to Wales involves other issues, other demands, and other background histories, it would be a far too extensive subject to include in a thesis at this level. Thus, the case of Wales will only be touched upon when deemed useful for comparative purposes.

Sources and literature

A great variety of primary source materials has been identified and consulted in the research for this thesis. *Hansard's* minutes from the House of Commons Second Reading and committee stage of the Scotland Bill in 1977/78 were accessed at the Parliamentary Archives in Westminster. To simplify the process of textual analysis they were digitalised by the National Library of Norway. A selection of other parliamentary debates from the relevant time span (1974-1979) has also been consulted. The Labour Election manifestoes of the post-war era reflect the official Labour policy toward devolution, as do the White Papers on devolution presented by the Wilson and Callaghan Governments.

The archives of the National Library of Scotland in Edinburgh contain several pamphlets, press releases, minutes of meetings and other similar material from the seventies from the Scottish National Party, the Labour Party in Scotland and the Scottish Labour Party. In the manuscript collections access was obtained to the papers of George Lawson, a now deceased Labour MP, which hold some important private letters not referred to in the main secondary literature.

Minutes from meetings of the Parliamentary Labour Party, the National Executive Committee of the Labour Party and from Labour Party Conferences were consulted at the Labour History Archive and Study Centre in Manchester, along with the private papers of Eric Heffer, Judith Hart and Michael Foot. Minutes from Cabinet Committee meetings, deposited in the National Archives in Kew, were also studied. Both written and oral evidence submitted to the 1969-1973 Royal Commission on the Constitution has been reviewed, together with the final report of the Commission.

In order to gather information and to get a feeling for the referendum campaigns and the arguments used by a wide range of combatants, one national daily newspaper (the *Guardian*) and one Scottish daily newspaper (the *Scotsman*) have been studied. The selection has been limited to the last two weeks prior to the referenda in March 1979 and the first week afterwards. The choice of newspapers is based both on practical reasons and on the editorial policy of the paper in question. The *Glasgow Herald* from 1979 has not been used to the same extent as the *Scotsman*, as it has so far not been microfilmed. Previous studies carried out on the newspaper coverage of the referendum campaign have shown that the *Scotsman* offered a much broader coverage of the devolution issue than any other Scottish newspaper. Also, as the English quality broadsheets were quite sceptical of devolution plans the assumption was that a pro-devolution Scottish paper such as the

Scotsman would provide a more balanced view and, while the *Glasgow Herald* had an official pro-devolution line, it was more divided on the issue. The *Scotsman* is based in Edinburgh, the political capital of Scotland, and could therefore be expected to take a greater interest in the referendum campaign. Among the English national dailies, the *Times* was unfortunately on strike for most of the relevant period of time. Of the remaining major newspapers the impression was that the *Guardian* had the least hostile view of the Government at the time, and was therefore more likely to report on the devolution issue *per se*, not merely as an issue presented by an unpopular government.²

A strict definition of primary sources has been applied, and includes only such archival documents as referred to above. In addition there are some sources, such as books about the Scottish nation and the devolution issue published in the mid-seventies, which can arguably be treated as primary sources, and have indeed been used as such by other scholars. They were written by participants in the debate at the time, and can be said to provide a first-hand impression of contemporary events as well as the arguments that were used. They are, however, listed along with other secondary sources, as they are found to be less accurate than would be expected. The same applies to autobiographies by prominent politicians such as Harold Wilson and James Callaghan, as they have been written or published with the advantage of hindsight (as will be shown later, they are far from always trustworthy).

A broad range of secondary sources has been consulted, from general introductions to Scottish history, nationalism and British politics, to more specific articles and books related to the main issues covered in this thesis. Among the many books which have influenced my thinking, I wish to emphasise David Bleiman and Michael Keating's impressive study from 1979, *Labour and Scottish Nationalism*³ and Neil Davidson's *The Origins of Scottish Nationhood*.⁴ Also, Frances Wood's seminal article "Scottish Labour in Government and Opposition 1964-1979" has been particularly valuable in the attempt to understand what really took place in Scottish Labour during this period.⁵

² Some relevant newspaper cuttings have been discovered elsewhere, for instance in the papers of George Lawson. As these did not contain page numbers, the source of information is given with the name of the journalist and the heading of the article, although this differs from the chosen format elsewhere in this thesis.

³ David Bleiman and Michael Keating, *Labour and Scottish Nationalism* (London: Macmillan, 1979).

⁴ Neil Davidson, *The Origins of Scottish Nationhood* (London: Pluto Press, 2000).

⁵ Frances Wood, "Scottish Labour in Government and Opposition: 1964-79," in *Forward! Labour Politics in Scotland 1888-1988*, ed. Ian L. Donnachie, Christopher T. Harvie, and Ian S. Wood (Edinburgh: Polygon, 1989).

The Narrative Structure

The background information included in this thesis has been divided into three separate sections, the first giving relevant information on the historical background of the government of Scotland and of the Labour Party in this context, while the second briefly reviews the concept of devolution. Even if this is not a thesis mainly preoccupied with the development of Scottish nationalism, it has been deemed necessary to take a look at some significant theories on nationalism and national identity, and this forms the third section. Each background section (chapters 2, 4 and 6) has been placed prior to the main chapter it concerns. The first of the main chapters (3. The Turning Point) examines the debate within the Labour party with emphasis on the period from 1973 up to the general election in October 1974. The second (5. The Parliament Years) follows the issue through two attempts at passing Bills to legislate for devolution, from 1974 to 1978. The third main chapter (7. The Referendum Campaign) deals with the referendum campaign and the immediate aftermath. While the focus of this thesis is on the 1970s, it has been found useful to briefly survey the debate on devolution during the next two decades, up to the establishment of a Scottish Parliament, something which is described in the fourth main chapter (8. The Long Road to Parliament). The ninth and last chapter is dedicated to a final discussion and some concluding remarks.

2. BACKGROUND: SETTING THE SCENE

The administration of Scotland

In 1603 the independent kingdom of Scotland became linked to that of England, when James VI of Scotland became James I of England upon the death of the childless Elizabeth I. This was a purely dynastic union, and the two countries remained politically independent, each retaining their own parliament for the next hundred years. By the terms set down in the 'Bill of Rights' in 1689, however, the monarch became accountable to the English Parliament, and to the Scottish Parliament by the corresponding 'Claim of Right'. Thus, a single monarch was obliged to rule in accordance with laws laid down by two different Parliaments, somewhat complicating this Union of the Crowns.

Several factors, e.g. economic, constitutional and related to the European political context, led to negotiations between Scotland and England in 1706.⁶ The negotiations finally resulted in a draft Treaty of Union, which had to be ratified by the two Parliaments. After further discussions, rioting, threats and bribery, the Anglo-Scottish Union came into effect on May Day 1707 after the Scottish Parliament had voted itself out of existence. 45 MPs and 16 peers were sent to what was now a British Parliament in London, which met for the first time in October 1707. Scotland was joined with England and Wales and, in Linda Colley's words, "Great Britain was invented".⁷

This union was only partial, as Scotland gave up its own parliament but kept control of the key agencies of an incipient civil society, namely the Scottish Presbyterian Kirk, a separate legal system, a separate educational system and a system of local government.⁸ While a single British state had been created, this did not lead to a uniform system of government within this state. For instance, the Act of Union lacked clear provisions for the executive branch of government. The Scottish Privy Council was supposed to be kept, but this was abolished by Parliament a year later without any

⁶ This is for obvious reasons a far too extensive a subject to deal with here. For further readings see for instance Linda Colley, *Britons. Forging the Nation 1707-1837* (London: Vintage, 1996) or Tom Devine, *The Scottish Nation 1700-2000* (London: Penguin Books, 2000).

⁷ Linda Colley, *Britons. Forging the Nation 1707-1837* (London: Vintage, 1996), 11.

⁸ Lindsay Paterson, "Scottish Home Rule: Radical Break or Pragmatic Adjustment?" in *Remaking the Union. Devolution and British Politics in the 1990s*, ed. Howard Elcock and Michael Keating (London: Frank Cass, 1998), 54.

replacement being provided for.⁹ Thus, for the main part of the period between 1708 and 1725, and again from 1742, Scotland was governed by a Scottish Secretary appointed by the Government, but the authority of the office depended on the informal power and influence of the individual who held the position. The Edinburgh legal establishment also had a large degree of influence over the government of Scotland. It was often given the task of adapting legislation to the Scottish legal framework, and sometimes even reformed existing Scottish law. This concentration of well-educated professionals also provided an important resource from which to recruit men for the administration of the country.¹⁰

Lindsay Paterson accentuates how the agencies which were kept in 1707 helped shape the Scotland which emerged with the industrial revolution.¹¹ After the local government was reformed in 1832, the emerging network of boards and committees which oversaw growing parts of state activities in Scotland, such as the poor law and education, played an influential role. At a local level, the legal system supplied the figure of the sheriff who, in addition to being the local judge, also organised boards and committees, and was an efficient means by which local issues were communicated to the central government in Edinburgh. The Lord Advocate would then articulate these preferences to London.

Since 1892 the Scottish Secretary has held a seat in the Cabinet, and in 1926 the holder of the office was made a Secretary of State. In 1894 a Scottish Grand Committee was set up and its functions became more extensive in the 1940s. The Scottish Office was set up in 1885. According to James Mitchell, the Scottish Office embodied the UK's willingness to acknowledge Scottish distinctiveness but, as it was part of Whitehall and accountable to the Westminster Parliament it also represented the unity of the British state.¹² Lindsay Paterson sees it from the opposite angle and argues that in Scotland the new technocracy was a displacement of nationalist pressure for a separate Scottish legislature. In his words, the Scottish Office "rose to become the embodiment of Scottish national government".¹³ As the role of the state grew, its responsibilities and the number of civil servants it employed increased accordingly. In 1939 the Scottish Office moved to Edinburgh. It kept a branch in London, but the administrative devolution - which the later

⁹ Atle L. Wold, Draft version of chapter 2 in "The Scottish Government and the French Threat, 1792-1802" (Unpublished Ph.D.-thesis, University of Edinburgh, 2003).

¹⁰ Ibid.

¹¹ Paterson, "Scottish Home Rule: Radical Break or Pragmatic Adjustment?" 54.

¹² James Mitchell, *Governing Scotland. The Invention of Administrative Devolution* (Basingstoke, Hampshire: Palgrave Macmillan, 2003), 1.

¹³ Paterson, "Scottish Home Rule: Radical Break or Pragmatic Adjustment?" 55.

devolution proposals were based on - greatly increased from the time of this move. A Royal Commission on Scottish Affairs under Lord Balfour reported in 1954 and recommended that the administrative devolution should be extended, giving more responsibility to the Scottish Office. Mitchell defines the primary purpose of the Scottish Office as it developed as threefold: 1) as an institutional expression of the union state demonstrating that Scotland would be treated distinctly but within a centralised state; 2) articulating Scottish interests especially in the Cabinet and Whitehall; and 3) fulfilling administrative duties.¹⁴ Throughout the 20th century administrative devolution was brought as far as was considered possible, with gradually more powers being given to the Scottish Office. In Parliament, the establishing of separate Scottish committees recognised that policies regarding Scotland needed to be seen apart from those relating to England, or the United Kingdom as a whole. The Scottish Office was reorganised in 1962 and was gradually allotted a broad set of responsibilities and powers, allowing it to develop an important planning function. Its scope made it necessary to establish five main departments within the Scottish Office, and the Secretary of State for Scotland was expected to take an interest in all matters affecting Scotland. While at its founding the work of the Scottish Office was held to be “not very heavy”, by the early 1980s an estimate suggested that it had responsibilities equivalent to approximately eleven other Whitehall Departments.¹⁵ To sum up, Scotland’s position in the union always involved negotiations and compromises, it has never been a matter of straightforward assimilation of Scotland to England. Scotland has developed its own autonomy in a variety of ways based mainly on the institutions of civil society, and on administrative devolution through the Scottish Office. Thus, when the pressure for a Scottish Parliament mounted, it could thus be seen merely as the latest phase in the process of negotiation within the union.¹⁶

The Labour Party in Scotland

The Scottish Labour Party, founded in 1888 by Keir Hardie, had a consistent and clear-cut policy in favour of Home Rule right from the outset. A few years later, Hardie co-founded the Independent Labour Party (ILP) in England, into which the Scottish Labour Party was integrated. The ILP provided an important activist base as an affiliate of the Labour Party

¹⁴ Mitchell, *Governing Scotland. The Invention of Administrative Devolution*, 5.

¹⁵ *Ibid.*, 1.

¹⁶ Paterson, "Scottish Home Rule: Radical Break or Pragmatic Adjustment?" 62.

when the latter was established in 1906. The incorporation of the Scottish party into the British Labour Party structures took place in 1915 with the forming of a Scottish Advisory Council, and in 1918 the Labour Party's constitution formalised the 'regional' status of the Scottish party.¹⁷ Formally it was just a branch, but it nevertheless retained a degree of autonomy and was often referred to as the Scottish Labour Party. The policy in favour of Scottish Home Rule was restated at several party conferences throughout the 1920s. In the early 1920s Labour held a majority in Scotland and some factions of the party, including a number of 'Red Clydesiders', the grouping of left-wing Labour MPs elected in 1922, wanted Scotland as a separate socialist state. An image was drawn of a Scottish Socialist Commonwealth, and in 1929 Scotland had more Labour MPs than did England.¹⁸ The mass unemployment of the 1930s changed this notion into a call for national ownership of the industries and a strong central government, but as late as 1937 there existed a London Scots Self-Government Committee, publishing a pamphlet with a preface written by no other than Clement Attlee.¹⁹ The trade unions were the first to realise the importance of national wage bargaining, and consequently withdrew their support from the devolution cause. This leaning towards a more centralist outlook became more prominent in Labour's post-war ideology of Keynesianism and central economic planning, which was not easily combined with a commitment to home rule. While Labour was in office from 1945-1951, Hugh Gaitskell attempted to explain to the Scots that nationalisation would be more effective than nationalism, and as the Government demonstrated the ability of the British state to deliver for Scotland, there were few protests when the commitment to home rule faded.²⁰ It was agreed that both nationalisation of key sectors of the economy, which was one of the main priorities for the Labour Government, and the development of the welfare state, required strong centralist planning. (In spite of this, the *official* Labour party policy in favour of devolution was actually maintained until 1957, as the issue was not on the agenda at Party conferences.)

The change in Labour's policy towards home rule for Scotland made it possible for the Conservatives to play the 'Scottish card' during the nationalisation era of the 1940s and 1950s, arguing that the nationalisation schemes placed control of Scottish industry with

¹⁷ Gerry Hassan, "The People's Party, Still? The Sociology of Scotland's Leading Party," in *The Scottish Labour Party. History, Institutions and Ideas*, ed. Gerry Hassan (Edinburgh: Edinburgh University Press, 2004), 1.

¹⁸ John Mercer, *Scotland, the Devolution of Power* (London: J. Calder, 1978), 169.

¹⁹ The London Scots Self-Government Committee, *Plan for Scotland* (London: Victor Gollancz Ltd., 1937).

²⁰ Bob McLean, "Labour in Scotland since 1945: Myth and Reality," in *The Scottish Labour Party. History, Institutions and Ideas*, ed. Gerry Hassan (Edinburgh: Edinburgh University Press, 2004), 36.

London bureaucrats, as illustrated by their 1950 manifesto: “Until the Socialist Government is removed neither Scotland nor Wales will be able to strike away the fetters of centralisation and be free to develop their own way of life.”²¹ Despite this attitude when in opposition, the Conservative rule from 1951 onwards saw few results regarding home rule or decentralisation, and the Labour Government under Wilson from 1964 to 1970 continued the centralist Labour position. Since 1959 Labour had won the majority of Scottish seats at every general election and, as 1945 and 1966 were the only elections in which Labour had secured a majority of English seats, Scottish votes were considered vital. Without Scotland the party would have lost the election in 1964.

The challenge from the SNP

The Scottish National Party (SNP) was founded in 1934. Initially it sought a Scottish Parliament within the United Kingdom, to be achieved in cooperation with other political parties. During the war it became explicitly separatist, and began to contest elections on a separatist agenda. It won a by-election in Motherwell in April 1945, but lost the seat at the next general election. The next breakthrough came in local elections in the mid-1960s, but the SNP did not play an important role on the British political scene until the next electoral victory at parliamentary level in November 1967, when Winnie Ewing from the SNP won a by-election in Hamilton with 46 per cent of the vote. This came as a great shock to Labour, as it had been considered a safe seat. The Scottish Council of the Labour Party confirmed their anti-devolution stand in 1968, but there were discussions within the party on how the emerging threat from the SNP should be met. At the end of the year a Royal Commission under Lord Kilbrandon was set up to discuss the constitutional future of the United Kingdom, and at the same time it was hoped this would buy the Government some time. The Kilbrandon Commission reported in 1973 and recommended some degree of devolution, but only as far as it was consistent with the preservation of the political and economic unity of the United Kingdom. A week later, voters in the Glasgow Govan by-election returned Margo MacDonald of the SNP. In the general election in February 1974, the SNP won 21.9 per cent of the Scottish vote, which gave the party seven seats in

²¹ The Conservative Party, *This Is the Road. The Conservative and Unionist Party's Policy. Election Manifesto* (London: The Conservative Party, 1950).

Parliament. Labour won 301 seats in the House of Commons, which allowed them to form a minority government.

In the Labour manifesto for the February 1974 general election, there had not been a single word said about devolution, and neither had devolution been discussed after the election by the National Executive Committee or any other official organ of the Labour party. In the Queen's Speech delivered on 12 March 1974, it was stated that "my Ministers and I will initiate discussions in Scotland...and bring forward proposals for consideration".²² This was a natural follow-up to the report from the Kilbrandon Commission, especially considering the Government's lack of a majority in the House of Commons, and the recent electoral success of the SNP. Then, in the Prime Minister's speech the same afternoon, the Prime Minister responded to a question by Winnie Ewing of the SNP with the reply: "Of course, we shall publish a White Paper and a Bill".²³ Suddenly, Labour had committed itself to devolution to Scotland and Wales.

²² Tam Dalyell, *Devolution the End of Britain?* (London: Cape, 1977), 99.

²³ HC Deb 12 March 1974 vol 870 c84.

3. THE TURNING POINT

The Labour Party and Devolution in the 1960s

This chapter will trace the Labour Party's policy on devolution through the late 1960s, the early 1970s and examine the policy change on devolution and the debate it caused in 1974. When the support for the Scottish National Party (SNP) increased in the 1960s, the Labour view was that this was largely a protest vote and that the mood would blow over, given time. According to David Bleiman and Michael Keating, there was a strong ideological aversion to nationalism in the Labour Party, as it was regarded as a force dividing the workers of Scotland and England, and diverting attention from the class struggle. Even a concession to an assembly without any economic powers would raise the 'national question' and give credibility to Scottish nationalism.²⁴ The strategy chosen to avoid this was to push for a continuation of further administrative devolution and special treatment for Scotland in economic matters.

As Secretary of State for Scotland from 1964 to 1970, and again from 1974 to 1976, William Ross played an influential part in the shaping of Labour's policy on devolution. Ross had a close working relationship with the Prime Minister, Harold Wilson, and was given more autonomy in dealing with Scottish affairs than any other post-war Secretary of State for Scotland. He was a committed unionist and during his first period in Cabinet he ardently opposed devolution. Frequently expressing his strong dislike of the SNP, whom he described as 'Tartan Tories', he earned himself the nickname 'the hammer of the Nats'. During his first period in the Government, the majority of the Cabinet were persuaded to take his view, but he met little opposition from his colleagues or his subordinates. Judith Hart, the Under-Secretary of State for Scotland from 1964 to 66, later played an important pro-devolutionist role on the National Executive Committee (NEC), but she neither said nor did anything about the issue at the time.²⁵

Between 1945 and 1966, which has been termed the age of two-party politics, Labour won between 46.2 and 49.9 per cent of the popular vote in Scotland at general

²⁴ Bleiman and Keating, *Labour and Scottish Nationalism*, 150-51.

²⁵ Dalyell, *Devolution the End of Britain?*, 74.

elections.²⁶ The first sign of what was to come could be seen in March 1967. At a by-election in the Labour constituency of Glasgow Pollock the SNP polled an unusually high 28 per cent. As this split the traditional Labour vote, the Conservatives won the seat. The next month, seemingly unaffected by this event, Wilson stated in the House of Commons that there were no plans for separate parliaments for Scotland and Wales.²⁷

Winifred Ewing from the SNP won the Hamilton by-election with a solid 46 per cent of the vote in November 1967, but this did not change Labour's stand either. It had to be admitted, however, that it was a considerable blow. Hamilton was not just any constituency, but a mining seat in what was perceived as socialist heartland and believed to be the safest of the Labour seats in Scotland. In the local elections of May 1968 the SNP outpolled all the other parties with 34 per cent of the vote.²⁸ Demands were now made in the Labour Party for a fresh examination of the devolution issue and it was discussed during the Scottish conferences in both 1967 and 1968, but these deliberations did not result in any change of policy. At the 1968 Labour Party Annual Conference a resolution was moved by a delegate from an Edinburgh constituency, calling on the Government "to recognise the desire of the people of Scotland and Wales for elected assemblies".²⁹ After ten speakers had debated the resolution, James Callaghan replied on behalf of the NEC, initially stating that this was "one of the most serious and comprehensive debates we have had on the political relationships that exist in the British Isles in the 25 years I have been coming to the Party Conference", which indicated the low priority this issue had in the post-war Labour Party.³⁰ Callaghan argued that more facts and information were needed, and upon the recommendation of the NEC the resolution was remitted. Later that year the Scottish Executive appointed a sub-committee to discuss Scottish government, the Working Group on Scottish Government, which primarily met during the summer and autumn of 1969. In a preliminary memo to the group, they were reminded that the Labour Party was "on record" declaring their belief that the economic and social problems of Scotland could only be resolved on a UK basis, and that the aspirations of the working people only could be realised by the labour movement acting in unison in England, Wales

²⁶ Lynn Bennie, Jack Brand, and James Mitchell, *How Scotland Votes. Scottish Parties and Elections* (Manchester: Manchester University Press, 1997), 49.

²⁷ Dilys M. Hill, "Devolution," in *New Labour, Old Labour. The Wilson and Callaghan Governments, 1974-79*, ed. Kevin Hickson and Anthony Seldon (London: Routledge, 2004), 225.

²⁸ Bleiman and Keating, *Labour and Scottish Nationalism*, 155.

²⁹ Labour Party, "Labour Party Conference Report 1968 " (London: 1968), 174.

³⁰ *Ibid.*, 182.

and Scotland.³¹ In its interim report the next year the committee argued strongly against a Scottish Assembly on ideological grounds, and with a

basic socialist belief that the economic and social problems of any part of the United Kingdom are the common concern of all, and can only be adequately resolved by concerned action on a United Kingdom scale...To achieve our aims, we Scots need our comrades in England and Wales. They need us. Fragmented we are weak, even powerless. Our strength lies in unity; a unity which transcends the narrow limits of prejudice and nationalism, and reaches out toward a Democratic Socialist Commonwealth.³²

The final report was produced with few changes in March 1970, and this was later accepted by the Scottish Executive with only two dissenting votes. The report firmly rejected a Scottish Assembly, and after its ratification by the Scottish Conference it formed the basis of the Scottish Council of the Labour Party (SCLP) evidence to the Commission on the Constitution, which will be further discussed below (see p.17).

Some rather isolated members of Labour did argue in favour of constitutional change, be it devolution or a quasi-federal solution. An example of this was the Labour MP for Berwick and East Lothian, John P. Macintosh, who in 1968 published *The Devolution of Power*, where he advocated nine elected regional councils in England and elected assemblies for Scotland and Wales. Also Richard Crossman, who was Lord President of the Council at the time, regarded devolution as a viable option. He saw it as the only way of keeping the votes away from the SNP, as he did not believe improving the economic situation would be sufficient.

The Royal Commission on Local Government in Scotland under Lord Wheatley reported in 1969 and advocated the creation of Scottish regions. This was endorsed by Labour, and was obviously seen as an alternative to an assembly. The subsequent Local Government (Scotland) Act was based on the Wheatley proposal, and can be interpreted as an indication of how far the party was from seriously considering a Scottish Assembly at that time.³³ Admittedly, a few MPs complained that the report of the Kilbrandon Commission should be awaited before any changes were made to local government in Scotland, but their protests were largely ignored. The only concession made was the setting

³¹ Scottish Council of the Labour Party, "Memorandum: Scottish Government," (June 1969).

³² The Scottish Council of the Labour Party. Committee on Devolution, "Scottish Government Interim Report," (Glasgow: The Scottish Council of the Labour Party, 1969).

³³ Bleiman and Keating, *Labour and Scottish Nationalism*, 160.

up of the Select Committee on Scottish Affairs, which would hold limited powers to examine economic development and land use planning.

The 1968 local authority elections, however, resulted in 34 per cent of the votes to the SNP, with 33 per cent to Labour.³⁴ This made even the unionist Conservative Party come out in favour of some kind of Scottish Assembly, voiced by Edward Heath in the 'Declaration of Perth' that year.³⁵ The pro-devolution policy was even included in the Conservative Party's 1970 Scottish manifesto, but never emerged as legislation and was later rejected by their Scottish Conference in 1973.³⁶

The Royal Commission on the Constitution

To counter the accusation of Labour being insensitive to the problems and demands of the Scottish people, a Royal Commission was appointed late in 1968 under the leadership of Lord Crowther. In his personal record of the 1964-1970 Government, Harold Wilson did not mention the setting down of the commission, thus indicating that this was not something he felt very strongly about neither at the time nor when his memoirs were published in 1971.³⁷ According to the Labour MP and anti-devolutionist Tam Dalyell, the decision to form a commission was made by the Prime Minister without consulting the Scottish Council, any Scottish Labour MPs or the Secretary of State for Scotland.³⁸ As Home Secretary, it was James Callaghan who was responsible for establishing the committee, but he was very sceptical of the idea at the time. According to William Ross, it was intended to kill devolution.³⁹ Even if this might have been a view not generally held in the Labour Party leadership, it was undoubtedly hoped that the issue could now rest until the next election. After all, Wilson was the one who coined the expression of royal commissions as something to "take minutes and waste years".⁴⁰

³⁴ Mercer, *Scotland, the Devolution of Power*, 154.

³⁵ Edward Heath, "The Declaration of Perth, 1968," in *A Diverse Assembly. The Debate on a Scottish Parliament*, ed. Lindsay Paterson (Edinburgh: Edinburgh University Press, 1998).

³⁶ William Miller, "The Scottish Dimension," in *The British General Election of 1979*, ed. David Butler and Dennis Kavanagh (London: Macmillan, 1980), 109.

³⁷ Harold Wilson, *The Labour Government 1964-1970. A Personal Record* (London: Weidenfeld and Nicolson, 1971).

³⁸ Dalyell, *Devolution the End of Britain?*, 89.

³⁹ Hill, "Devolution," 226.

⁴⁰ Thinkexist.com Quotations, *Harold Wilson Quotes* (2006); available from http://thinkexist.com/quotes/harold_wilson/.

The written evidence to the Commission submitted by the Labour Party in Scotland in March 1970 was overwhelmingly centralist, a restatement of the unionist case. It clearly rejected the idea of a parliament, an assembly or any elected authority with executive or legislative powers covering the whole of Scotland, believing it would “create an unfavourable environment for the methods of government which we require”.⁴¹ The argument sometimes heard from a section on the left of the Labour Party, that decisions should be taken as close to the people as possible, was countered with the argument that democratic socialism had held it essential to support international perspectives as well.⁴² It asserted that “maximum benefits to Scotland will only come if the United Kingdom economy is planned as whole”, arguing that any attempt at changing this would require different levels of taxation, prices, customs barriers etc.⁴³ The solution to the “Scottish problem” was seen in the instruments of economic power which the Labour Party had set up or supported, e.g. the Scottish Economic Planning Council and the Highlands and Islands Development Board. Greater democratic scrutiny could be achieved by expanding the work of the Scottish committees already established in Parliament. The evidence was presented by a delegation including the SCLP Chairman, John Pollock, who rejected the mere suggestion that more democratic control over St Andrew’s House might not be a bad thing.⁴⁴ In spite of a Labour government being regarded as the only solution for Scotland, the SCLP explicitly stated that they would rather prefer the status quo with a Conservative government at Westminster, than devolution with a Labour controlled Scottish Assembly. The SCLP evidence was submitted just prior to the Scottish Conference in April, but the Executive agreed to state to the Conference that the debate which took place there could supplement the document when oral evidence was given at a later date. The Scottish evidence was cleared by the NEC of the Labour Party, but copies were only made available at the meeting, and it was a very hurried process.⁴⁵

In addition to the evidence given to the Commission by the SCLP, two local branches submitted separate statements, namely the Edinburgh City Labour Party and the Central Edinburgh Constituency Labour Party. Both statements were written in October 1969, before the final version of the Scottish Council’s evidence to the Commission, and served to strengthen the impression that attitudes towards devolution were more favourable

⁴¹ Scottish Council of the Labour Party, *The Government of Scotland. Evidence of the Labour Party in Scotland to the Commission on the Constitution. March 1970* (Glasgow: The Labour Party, 1970), 1.

⁴² Ibid.

⁴³ Ibid., 3.

⁴⁴ Wood, “Scottish Labour in Government and Opposition: 1964-79,” 111.

⁴⁵ William Ross to Harold Wilson, April 1970.

in Edinburgh than in the rest of Scotland. The Edinburgh City Labour Party stated that they chose to focus on the evolutionary and empirical approach to the British constitution, which in their opinion had worked so well in the Scottish case and had resulted in a substantial measure of devolution of administration to Scotland. They felt there was a need for the continued delegation of executive powers to Scotland, but maintained that this could be given in the form of a representative supervisory body which could “exercise a continuing home-based oversight of the increasingly powerful home-based executive arm of government”, trying to meet the criticism of growing bureaucratic power at the Scottish Office outside democratic control.⁴⁶ The Select Committee on Scottish Affairs had already been established as an experiment, and the Edinburgh City Labour Party proposed that this should be expanded to include all Scottish Members of Parliament. In addition, the MPs should be supplemented by members, directly elected by the Scottish electorate, who should be resident in Scotland.⁴⁷

The Central Edinburgh branch’s statement went further, and stressed that a critical reappraisal of the constitutional set-up of the United Kingdom was necessary, and that it had to be based on rational and empirical considerations as opposed to emotional ones. It argued that the administrative devolution to Scotland needed a parallel legislative authority, and that this was now clearly “overdue”.⁴⁸ At each level of government (United Kingdom, Scotland or local unit) the civil service should be responsible to an elected assembly. According to their proposal, the Assembly for Scotland should have executive authority, but no tax-raising powers were suggested.

Unlike the SCLP, the Labour Party’s Welsh Executive had been enthusiastically committed to an elected Welsh Council or Assembly, and this was the substance of the evidence they gave to the commission. This position was to be rather grudgingly endorsed by the Welsh MPs in 1973, and as the major election push by the Welsh nationalist party Plaid Cymru failed to materialise, their reservations against the policy in some cases hardened into opposition.

⁴⁶ The Labour Party (Edinburgh City), "Statement to the Royal Commission on the Constitution," in *Written Evidence 5 Scotland* (London: Her Majesty's Stationary Office, 1972), 3.

⁴⁷ *Ibid.*, 4.

⁴⁸ The Labour Party (Central Edinburgh Constituency), "Statement to the Royal Commission on the Constitution," in *Written Evidence 5 Scotland* (London: Her Majesty's Stationary Office, 1972), 1.

The Impact of the Scottish Trades Union Congress on the Devolution Policy

The Scottish Trades Union Congress (STUC) played an important part in promoting the cause of a Scottish Assembly. The STUC was usually given the task of formulating its own policies on matters affecting Scotland, and often the British TUC would then adopt that policy. The notion from the pre-centralist era of the Labour Party could still be found in the caucus of the STUC in the late 1960s and early 1970s, where some of its members favoured devolution in the belief that they could more easily achieve some of their political objectives in a Scottish rather than British context. The subject of devolution was discussed by the STUC in a major debate in 1968. The pro-devolutionist view was put forward by a representative from the Scottish Miners, who was also a member of the Communist Party, which had taken a pro-devolution position since 1964. Since, in his view, Scotland was a nation and not merely a region, the logical conclusion would be to recommend a federal solution.⁴⁹ He was opposed by a delegate from the Amalgamated Union of Engineering and Foundry Workers (AUEW), who declared that an economically viable and secure Scotland could only be achieved within the economic framework of the United Kingdom, with the pay and work conditions of Scottish workers kept in parity with those of England and Wales through the national joint negotiating machinery. After the debate both resolutions were referred to the General Council, which for the 1969 congress produced an interim report rejecting separatism but arguing in favour of a legislative assembly. The report was passed unanimously.⁵⁰ The written evidence to the Kilbrandon Commission was based on this document, but by the time the STUC gave oral evidence to the Commission in June 1970, the membership of its General Council had changed and its policy was now to support an assembly *without* legislative powers. It reverted later to its support for a legislative assembly and supported the majority proposals in the Kilbrandon Report (see p. 23), while stressing that devolution had to take place within a British framework. In a report to the 1975 STUC on its submission to the Prime Minister on the subject, the General Council called for “a meaningful Scottish Assembly which will not simply degenerate into a talking shop”.⁵¹

⁴⁹ Bleiman and Keating, *Labour and Scottish Nationalism*, 157.

⁵⁰ Ibid.

⁵¹ James Craigen, "The Scottish TUC: Scotland's Assembly of Labour," in *Forward! Labour Politics in Scotland 1888-1988*, ed. Ian L. Donnachie, Christopher T. Harvie and Ian S. Wood (Edinburgh: Polygon, 1989), 153.

According to Dalyell, devolution was seldom discussed in any detail by individual unions at the national level. He believed that the members were not in accord with the STUC policy: “If ever a tail wagged an enormous dog, that tail was the caucus of the STUC General Council: Never, to parody Churchill, did so few commit so many in so short a space of time to so much about which they knew so little.”⁵² Some individual unions remained firmly opposed to devolution, such as the Union of Construction, Allied Trades and Technicians (UCATT). Many of its members migrated between England and Scotland, and feared they would be adversely affected by devolution. Two of their sponsored MPs were Eric Heffer and Tom Urwin, both very critical of the concept of devolution, arguing from a socialist position. The Edinburgh Divisional Committee of the AUEW passed a resolution instructing its National Committee to ask the Government to withdraw the Scotland and Wales Bill. Several other unions also came out firmly against devolution. But, as the leadership of the Labour Party kept its main contact with the leadership of the STUC, the individual unions were largely ignored. Bleiman and Keating argue that the somewhat confusing and at times ambiguous policy of the STUC was based on the dilemma of how to reconcile its support for the economic unity of the United Kingdom and its desire to democratise the structure of the Scottish administration. The Communist Party also had a disproportionably large influence on the STUC, as they sought influence within the trade union movement in lieu of an effective electoral platform.⁵³ George Lawson, a retired Labour MP and anti-devolutionist, later wrote to a Welsh Labour member active in the England Against Devolution group, attempting to explain the role the STUC had in the Scottish devolution debate:

One substantial difficulty with us comes from the role and influence of the STUC. Existing administrative devolution gives it a continuing role to play and naturally it wants to extend that role. On top of this, the General Council of the STUC contains most of the more prominent Scottish trade union “leaders” and since it carries a bit of prestige to be on the General Council and votes are “bargained” for this purpose, very few of those TU officials will move much out of line. Without doubt it was this that secured the “about-turn” on devolution at the reconvened conference of the Labour Party in Scotland in August 1974.⁵⁴

⁵² Dalyell, *Devolution the End of Britain?*, 191.

⁵³ Bleiman and Keating, *Labour and Scottish Nationalism*, 158-59.

⁵⁴ George Lawson to Martyn Sloman 16 March 1977.

The Early 1970s

When support for the SNP decreased again at the 1970 general election, the general impression was that the nationalist wind had already subsided. Centralisation was preferable to devolution, and this view was still expressed by the majority of the Labour Party in the early 1970s. In the South Ayrshire by-election in March 1970, Jim Sillars entered Parliament on a 54 per cent vote against the SNP's 20 per cent. Since Sillars at the time was strongly anti-devolution this was seen to prove that socialist policies had more appeal than nationalist ones. In the manifesto for the June 1970 general election, Labour briefly stated that a Royal Commission was working on the issue of devolution, and referred to the Labour Party in Scotland who "has welcomed any changes leading to more effective Government which do not destroy the integration of the U.K. or weaken Scotland's influence at Westminster. They too reject separatism and also any separate legislative assembly."⁵⁵

At the Dundee East by-election in March 1973 the seat almost fell to the SNP. This brought new life to the discussion in the Labour Party regarding the appropriate response to the Scottish question. Two separate schools of thought had now developed. The first maintained that this was a purely economic question, and that the problem would simply go away with the right economic policies for the United Kingdom together with special measures for Scotland. As the discovery of North Sea oil in the early 1970s undermined Labour's traditional arguments that the union was economically necessary for Scotland, it was increasingly important to illustrate the benefits the union still held for Scotland. The other side thought that a measure of devolution would be necessary, but whether this was for tactical reasons or because of a genuine belief in the principle of devolution is not clear. William Ross was still firmly opposed to the idea, but had to accept that it was increasingly difficult to hold this position as the issue became a burning one. Frances Wood refers to a speech by Wilson in Edinburgh in 1973 which can be seen as a sign of his gradual conversion to devolution, as he now called for regional government in England and implied that this should be part of a general scheme of devolution.⁵⁶

Compared to the statements given by the Labour Party to the Commission on the Constitution in 1970, there is some evidence that the mood in some sections of the party

⁵⁵ Labour Party, *Now Britain's Strong - Let's Make It Great to Live In. General Election Manifesto 1970* (London: 1970).

⁵⁶ Wood, "Scottish Labour in Government and Opposition: 1964-79," 116.

was changing in the early 1970s. Alex Eadie and Jim Sillars jointly wrote two papers intended for discussion purposes within the SCLP. In 1968 they issued the first, titled *Don't Butcher Scotland's Future. The Case against the SNP Together with an Argument for Reform at All Levels of Government*. The paper strongly argued against all forms of separatism and in doing so it also explicitly rejected calls for a Scottish Parliament, even on a federal basis. The need for a strong central government was emphasised, with effective economic and political power continuing to reside at Westminster. Thus, a Scottish Parliament "would not have a dynamic role to play, and would be a bogus proposition to put before the people".⁵⁷ In 1974 the two authors had been joined by Harry Ewing and John Robertson, and together they produced a new report: *Scottish Labour and Devolution: A Discussion Paper*. This time around they supported devolution, but also made it clear how far this view was from separatism: "The underlying wish is to see the United Kingdom continue as one State, and the British Labour movement continue as one movement".⁵⁸ They criticised the optimism which had led Labour to leave the issue after the SNP lost its seat at the general election in 1970, believing that "the Labour Party made the mistake of believing that nationalism relied upon the SNP for existence, whereas in fact, in political reality, it is the SNP which relies on nationalism for its existence".⁵⁹ Eadie and Ewing ceased meeting with the others in early 1974, but the remains of the group would later form the basis of a significant breakaway from Labour (see p.48).⁶⁰

The early signs of a changing policy were far from being the general view of the Party. Labour's 1973 Programme was clearly anti-devolution, stating that "there is within all the countries of the United Kingdom a powerful identity among the workers. As Socialists, we would not readily squander this heritage of unity".⁶¹ Still, the Scottish Executive of the Labour Party decided to review its position on Scottish government, and a new sub-committee was appointed; its report *Scotland and the UK* was released in October 1973, on the very day before the publication of the Kilbrandon report. It emphasised that the present document was intended as a supplement to and not a replacement for the 1970 evidence to the Royal Commission, and once again the Labour Party specifically rejected the possibility of a separate assembly or parliament in Scotland. The report stated that the Labour Party in Scotland was "convinced that the gradual but continual extension of

⁵⁷ Alex Eadie and Jim Sillars, *Don't Butcher Scotland's Future. The Case against the SNP Together with an Argument for Reform at All Levels of Government* (Ayr: Ayr Labour Party, 1968).

⁵⁸ Alex Eadie et al., "Scottish Labour and Devolution: A Discussion Paper", 1.

⁵⁹ Ibid., 6.

⁶⁰ Wood, "Scottish Labour in Government and Opposition: 1964-79," 116.

⁶¹ Labour Party, *Labour Party Programme* (London: 1973).

administrative and legislative devolution within the UK Parliament is in the best interest of the Scottish people”.⁶² The final paragraph in their evidence to the Kilbrandon commission was reiterated, where an assembly was ruled out on the grounds that Scottish influence at Westminster would be reduced. It was also maintained that such an assembly would pose a threat to the new local authorities, and threaten the economic unity of the United Kingdom.⁶³ As alternatives, more powers to the new local authorities and further administrative devolution by the establishing of a Scottish National Enterprise Board were recommended. The report also called attention to the fact that the 1970 evidence had been overwhelmingly endorsed at the 1970 Scottish Conference, with only one delegate out of over three hundred voting against it.⁶⁴

The Kilbrandon Commission Reports

The next major event in the debate on devolution was the report of the Royal Commission on the Constitution. It was published in 1973 but prompted little discussion, and there was no immediate debate at Westminster. For instance there is little evidence, if any, of the report leading to any immediate debate in the Labour Party. Lord Crowther had died in March 1972 and Lord Kilbrandon had taken over as leader of the Commission, and the report therefore came to bear his name. Lord Kilbrandon was a distinguished member of society, and there were few protests at his appointment. By the SNP leader he was described as “a Scottish judge known to have respect for the place and rights of Scotland in the United Kingdom”.⁶⁵ The Commission had initiated several surveys. One of them showed that 52 per cent of those questioned had never even heard of the Scottish Office, and two thirds of these simply stated that it did not exist. Ironically, the largest support of the ‘extreme’ proposals (either no change at all, or a maximum transfer of power) came from those least well informed.⁶⁶ As will be further discussed in chapter 6, the commission found that there was a strong sense of Scottish nationhood. There was also a widespread assumption that in any new constitutional arrangement Scotland, in spite of its size and

⁶² Scottish Council of the Labour Party, *The Government of Scotland. Evidence of the Labour Party in Scotland to the Commission on the Constitution. March 1970*, 1.

⁶³ Bleiman and Keating, *Labour and Scottish Nationalism*, 162-63.

⁶⁴ Scottish Council of the Labour Party, *The Government of Scotland. Evidence of the Labour Party in Scotland to the Commission on the Constitution. March 1970*, 4.

⁶⁵ Mercer, *Scotland, the Devolution of Power*, 154.

⁶⁶ *Ibid.*, 155.

population, should be equated with the nation of England as a whole instead of with individual regions of England. This view even led some Scots to argue in favour of an English Assembly, even though there might not be a call for it in England.

The Commission concluded that the separate national identities of the Scots and the Welsh did not require Scotland and Wales to be separated from the rest of the United Kingdom and that recognition of the nations could be done without disturbing the essential unity of the United Kingdom.⁶⁷ As well as rejecting the idea of full separation, the Commission also rejected federalism. For Scotland, there were three models that had some measure of support amongst the members of the Commission: legislative devolution, executive devolution and a third model involving the establishment of a directly elected assembly or council with advisory and deliberative functions, and some powers in relation to Scottish legislation introduced in the United Kingdom Parliament.⁶⁸

The Commission found the Scottish opinion regarding the need for a representative assembly to be divided, where especially the respondents who had knowledge and understanding of the existing system of administrative devolution were in doubt. However, they clearly saw the desire among the majority of the Scottish people for a representative assembly, which was seen to be necessary both in recognition of Scottish national identity and as means of giving the Scottish people greater control of their own affairs.⁶⁹ While not being able to agree on the scope and powers of such an assembly, all members of the Commission favoured an assembly of some sort. The majority report, supported by eight members, proposed elected assemblies in Scotland and Wales, with legislative powers, tax-raising powers and a large range of devolved functions and services. Any amending or new legislation affecting transferred matters would be left to the new Scottish or Welsh legislatures, with a veto power for the UK Government if supported by the UK Parliament. The assemblies would be single-chamber bodies with 100 members elected by the single transferable vote system of proportional representation in multi-member constituencies. A cabinet system would operate, with a Chief Minister. In England, only regional bodies were suggested. A minority of one rejected the idea of legislative powers altogether, and proposed assemblies with more limited functions. Lord Crowther-Hunt and Professor Alan Peacock submitted a memorandum of dissent, where they proposed a quasi-federal solution

⁶⁷ *The Royal Commission on the Constitution 1969-1973*, vol. I&II (London: Her Majesty's Stationary Office, 1973), 137.

⁶⁸ *Ibid.*, 334.

⁶⁹ *Ibid.*, 335.

in which Scotland, Wales and five English regions were treated equally.⁷⁰ In their view each would have assemblies established, their members elected by proportional representation, but with more moderate powers than what the majority report outlined. Maybe one of the most important consequences of the Kilbrandon report was that just any suggestions of change, such as the ones proposed by the Labour Party on the eve of the report, were no longer enough. Anything short of the Commission's majority view would be considered centralist.

The Govan By-Election

The well-timed SNP campaign of 1973 around the slogan 'It's Scotland's oil' was a brilliant initiative which took the SNP out of small-town politics and into Labour's industrial heartland by creating a focus of protest comprehensible to working-class Scots. The one-month old report *Scotland and the UK* was the official platform of the Labour Party when Margo MacDonald won the Glasgow Govan by-election in the beginning of November, considered one of the most significant events in the history of Scottish devolution. The SNP polled 41.9 per cent and Labour 32.2 on a rather meagre turnout of 51.7 per cent. With other business to attend to, and the holidays around the corner, no alternative Labour policy on devolution was made. Then, Prime Minister Heath quickly and quite unexpectedly went to the country, and a general election was called for 28 February 1974. This took place in the middle of the "three-day week" energy crisis, and neither devolution nor any other constitutional change received much attention during the short election campaign.

The February General Election and its Aftermath

In his 1977 book *Devolution the End of Britain*, Dalyell refers to a MORI poll taken in Scotland on the outset of the election, which showed that only 19 per cent wanted complete independence, while 78 per cent favoured some kind of Scottish Parliament. Among Labour voters in support of the latter alternative, the figure was as high as 83 per cent. The MORI Director, Bob Worcester, concluded from these figures that "Scottish Nationalism is

⁷⁰ Ibid., xvi.

a unifying force for a wide variety of Scottish people”.⁷¹ This would make it an important issue in the election. Still, when Harold Wilson later described in his memoirs the February 1974 Labour manifesto as “cautious” when it came to devolution, this was as best an understatement.⁷² In the Labour Party’s election manifesto, there was actually not a single word about devolution, nationalism or any other constitutional issues regarding Scotland or Wales.⁷³ The official position of the Labour Party in Scotland was one of firm opposition to devolution. This did not, however, keep Wilson’s successor James Callaghan from reporting in *his* memoirs that “the Labour Party had undertaken this commitment in our general election manifesto of February 1974, as a response to the Report of the Kilbrandon Commission”, a misrepresentation which seems to have gone unnoticed.⁷⁴

With 37.15 per cent of the vote in the United Kingdom as a whole, Labour gained 14 seats and reached a total of 301. While this allowed the party to form a minority government, it was plain to see that without the Scottish seats Labour would have lost the election. The contestant in almost all of Labour’s Scottish marginal seats was the SNP, not the Conservatives, and evidence suggested that Labour Party voters were far less reluctant to switch to the SNP than to the Conservatives.⁷⁵ For Scotland in general the SNP polled 21.93 per cent. Of the six new seats the SNP gained, only two were taken from Labour, the other four were taken from the Conservative Party. In these constituencies the Conservative vote nevertheless stayed much the same, and the SNP votes were gained from Labour, and to a lesser extent from the Liberal Party.⁷⁶ It is also clear that in the election results in the post-war period, the SNP and Labour results were very

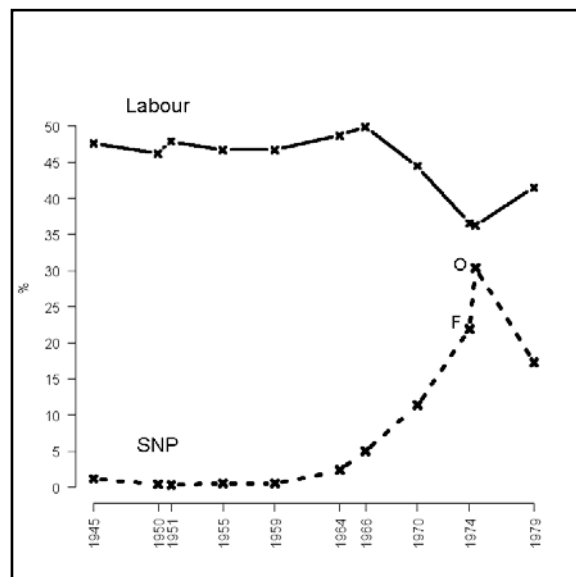


Figure A. Results from general elections 1945-1979. Source of figures: Brown, McCrone and Paterson 1998

⁷¹ Dalyell, *Devolution the End of Britain?*, 97.

⁷² Harold Wilson, *Final Term. The Labour Government 1974-76* (London: Weidenfeld and Nicolson, 1979), 46.

⁷³ The Labour Party, *Let Us Work Together - Labour's Way out of the Crisis. General Election Manifesto Feb. 1974* (London: 1974).

⁷⁴ James Callaghan, *Time and Chance* (London: Collins, 1987), 503.

⁷⁵ Miller, "The Scottish Dimension," 104.

⁷⁶ The Scottish National Party, *SNP Research Bulletin May 1974* (Edinburgh: SNP, 1974).

closely and negatively correlated (see figure A).⁷⁷

The threat from the SNP had to be taken seriously. The eminent Scottish historian Christopher Harvie, at the time an active member of the Labour party, described a particularly alarming scenario in a 1975 article:

With a majority of seats (thirty-six) in Scotland, the SNP would then, in terms of its constitution, withdraw from Westminster and set up its own Constituent Assembly and government, as Sinn Fein did in Ireland in 1918. There will then be only two ways out for an English government – concession or occupation. It is not a situation any government should attempt to gamble on: the only precedent is a tragic one.⁷⁸

A comprehensive survey was carried out by the Opinion Research Centre (ORC) in the aftermath of the February election. Amongst other things, it sought to probe the reasons why electors had voted as they did in the recent General Election. A desire for home rule/independence for Scotland figured strongly in the answers of the 21 per cent who voted SNP, along with the phrase “it's time Scotland ran its own affairs”. More than 60 per cent of the SNP voters chose ‘devolution/more self-government for Scotland’ as one of the key influences of their voting decision. 43 per cent selected ‘North Sea Oil’.⁷⁹ The report testified to the widespread dissatisfaction with Whitehall’s record in Scotland. Half the Scottish electorate believed that central government was doing a bad job of taking care of the needs of Scotland, barely more than a quarter believed it was doing a good job.⁸⁰ When asked to choose between five alternatives, ranging from leaving things as they were to letting Scotland take over complete responsibility for running things herself, there was little difference between the opinions expressed by women and men. Broken down by age groups, however, the tendency to support the fifth and most extreme alternative drastically increased with decreasing age, with 28 per cent in favour in the 18-24 age group, and only 10 per cent in the 65+ group. The survey showed that the greatest support for “letting Scotland take over complete responsibility for running things in Scotland” could be found in the central belt, while the greatest resistance was expressed on the peripheries. When party preferences were included, the survey showed that 55 per cent of the SNP voters

⁷⁷ ($r = -0.93$, $df = 9$, $p < 0.001$) Calculation by Kyrre Linné Kausrud at the request of the author.

⁷⁸ Christopher T. Harvie, “The Devolution of the Intellectuals. Reprint from *New Statesman*, 28.11.75,” in *A Diverse Assembly. The Debate on a Scottish Parliament*, ed. Lindsay Paterson (Edinburgh: Edinburgh University Press, 1998), 89.

⁷⁹ The Opinion Research Centre, *A Survey On: Attitudes to Devolution in Scotland (Carried out for the Scotsman)* (London: Opinion Research Centre, 1974), 9.

⁸⁰ *Ibid.*, 15.

chose the fifth and most extreme alternative, with 23 per cent in favour of a Scottish Parliament with economic powers. The Labour voters were almost equally divided between alternatives (1) status quo, (2) Scottish council with regional representatives and (3) elected Scottish Assembly, with about a quarter of the votes for each alternative. As much as 29 per cent of the Conservative voters wanted an elected assembly, while 10 per cent wanted an elected parliament with economic powers.⁸¹

The newly-elected minority Labour Government had to find an appropriate response to this swing in the public mood. As mentioned in chapter 2, the Queen's Speech on 12 March stated that "My Ministers and I will initiate discussions in Scotland...and bring forward proposals for consideration".⁸² This was an extremely open wording, which to the Press and the Labour backbenchers did not necessarily imply devolution, and it was not even mentioned when the Parliamentary Labour Party debated the speech.⁸³ Later the same day, the Prime Minister's Speech was interrupted by Winifred Ewing from the SNP, who demanded concrete proposals instead of more loose talk. Harold Wilson replied "We on this side believe in full consultation and discussion. We are not an authoritarian party. Of course, we shall publish a White Paper and a Bill."⁸⁴ This commitment to devolution has often been described as an "off the cuff remark" as a response to a haphazard Parliamentary interjection, for instance by Tam Dalyell and George Lawson.⁸⁵ However, the previous day the Prime Minister had in fact informed the House that he had appointed an adviser to the Government on constitutional questions, concentrating particularly on advice to the Ministers concerned in connection with the intended discussions on the Kilbrandon Reports, and this he actually repeated in his speech only seconds before the interruption by Winifred Ewing.⁸⁶ So, even though the commitment to devolution did not take the form of a statement from an Annual Conference, or a Prime Ministerial Statement, there cannot be any doubt that it was part of a policy which at the very least was planned by the Prime Minister. The advisor appointed by the Prime Minister was Lord Crowther-Hunt, co-author of the Minority Report from the Kilbrandon Commission. A few days after the Queen's Speech, he wrote to the Lord President and asked him to include in a speech that the purpose of the planned discussion was "not to avoid action, but to produce action

⁸¹ Ibid.

⁸² Dalyell, *Devolution the End of Britain?*, 99.

⁸³ Minutes, Parliamentary Labour Party meeting 12 March 1974.

⁸⁴ HC Deb 12 March 1974 vol 870 c84.

⁸⁵ Dalyell, *Devolution the End of Britain?*, 99; *Sunday Times* 28 March 1976.

⁸⁶ HC Deb 12 March 1974 vol 870 c83.

as quickly as possible. Because their purpose is to produce the White Paper and a Bill".⁸⁷ From this it can reasonably be assumed that the Prime Minister could reckon with some support from his close colleagues. However, Dalyell and other anti-devolutionists do have a point when they stress that the policy change had not been discussed formally or approved by any level in the Party. Regardless of the intention behind the Prime Minister's comment, and how planned or unplanned it was, from that moment it was necessary to bring the Labour Party, and as a first step the Scottish Council, into line.

Some comfort could be found in the fact that when the Scottish Executive had met two days previously, there were some signs of a mellowing of the ardent resistance to the concept of devolution. While the Executive at the meeting issued a statement that welcomed the Kilbrandon rejection of separatism but disagreed with most other parts of it, they did also approve the report of yet another sub-committee, which carefully stated:

There is a real need to ensure that decisions affecting Scotland are taken in Scotland, wherever possible. A measure of devolution could perhaps give to the people a feeling of involvement in the process of decision making. We believe this *might* best be done by the setting up of an elected Scottish Assembly.⁸⁸

In their book *Labour and Scottish Nationalism*, Bleiman and Keating assert that the crucial word here was 'might', and that this statement was aimed at keeping some sort of unity at the impending Scottish Conference. The Scottish Conference held in Ayr in March adopted the statement, and thereby gave the Executive a free hand in interpreting it. According to a 'Scotland is British' leaflet from 1977, a more firm demand for a legislative assembly was rejected on a card vote at the same conference by 555,000 votes to 208,000.⁸⁹

Tam Dalyell claims that the Government's policy was decided by the Prime Minister's choice of people to carry it out, as the White Paper was primarily to be written by two prominent politicians who were known pro-devolutionists. According to Dalyell, there was no discussion whatsoever in the Cabinet as to whether the Party should opt for devolution.⁹⁰ The men chosen for the task were the Deputy Leader for the Parliamentary Labour Party and Deputy Prime Minister Ted Short, and the political advisor Lord Crowther-Hunt. On 3 June 1974 the first White Paper was published, entitled *Devolution*

⁸⁷ Lord Crowther-Hunt to Ted Short, 18 March 1974.

⁸⁸ David Bleiman and Michael Keating, *Labour and Scottish Nationalism* (London: Macmillan, 1979), 64.

⁸⁹ Scotland is British Campaign, *Scotland Is British* (Glasgow: Scotland is British Campaign, 1977). In a card vote each branch or union represented at a conference register votes equal to the number of members of the branch or union.

⁹⁰ Dalyell, *Devolution the End of Britain?*, 98.

Within the UK – Some Alternatives for Discussion. Five possible schemes for devolution were listed, and comments were to be submitted by the end of the month. The schedule was extremely tight, as the authors of the October manifesto were waiting for input on this point.⁹¹ With another election pending, the minority Labour Government could not afford the luxury of a longwinded ideological debate. The circumstances also meant that the development of a Scottish and Welsh strategy was too important to be left to the Scottish and Welsh wings of the party.

22 June 1974 Scotland played Yugoslavia in the final rounds of the soccer World Cup, and Ross was in Frankfurt, where the match took place. Meanwhile, the Scottish Executive of the Labour Party was having a meeting to debate the White Paper, but only eleven of the twenty-nine members turned up. Six of the members present were opposed to the proposed Assembly (among them the Chairman, Allan Campbell), and five voted in favour. So, with a majority of one vote, the Scottish Executive of the Labour Party reaffirmed their policy that an Assembly was “irrelevant to the real needs of the people of Scotland”.⁹² All five of the Government’s White Paper options were rejected. The resentment of the pressure put on the Scottish Executive from Transport House (the Party headquarters in London) may have decided the final vote.

Further pressure was put on the Scottish Executive when, on 26 June, the National Executive Committee (NEC) of the Labour Party met at Transport House and agreed to Judith Hart’s and Alex Kitson’s proposal for a recall conference of the Scottish Labour Party.⁹³ The Scottish Executive felt in no position to refuse calling the new conference, as their meeting on 22 June had been so poorly attended. They did, however, refuse to change their mind, call a new vote or do anything other than make arrangements for the conference. The Labour Vote No Campaign later spoke of this as “indeed one of the few examples of London imposing its will on the Scots!”.⁹⁴ The NEC had that spring established a separate committee on devolution under their permanent Home Policy committee, headed by Alex Kitson who repeatedly argued strongly in favour of assemblies to Scotland and Wales. The Devolution Committee not unexpectedly came down heavily in favour of devolution.⁹⁵ Subsequently the NEC later in the summer agreed upon a resolution submitted by Kitson, recognising the “desire of the people of Scotland for an

⁹¹ Draft version of the Labour Party Manifesto for October 1974 general election, May 1974.

⁹² Dalyell, *Devolution the End of Britain?*, 100-01.

⁹³ Minutes, Labour NEC meeting 26 June 1974.

⁹⁴ Labour Vote No Campaign, *Labour Vote No Campaign's ABC of Devolution* (Edinburgh: Labour Vote No Campaign, 1978).

⁹⁵ Minutes, Labour NEC Home Policy Committee meeting 8 July 1974.

elected Assembly”, and calling for party support.⁹⁶ As described in the *Glasgow Herald*; “in a matter of minutes ... the Labour Party executive declared its voice on an issue that had been undecided for years, and had split the party in Scotland”.⁹⁷ Neither the Prime Minister nor his deputy, Ted Short, were present at the poorly attended meeting.

The Tartan Curtain Fell

On 17 August the Scottish Labour Special Conference on Devolution was held in Glasgow. The Conference began with a Scottish Executive opposed to devolution, a government pledge to legislate on it, a NEC who favoured a Scottish Assembly with legislative powers and a split Party membership. Alex Kitson, who was National Officer in the highly influential Transport and General Workers Union (TGWU), had been lobbying to convince the major unions in Scotland, and had got his own union to pledge support to devolution in March the same year. The Conference took place during the holidays, and few had any chance to discuss it with their members or other union officials. The debate opened with a speech by the Scottish leadership which made it clear that it would have been appreciated if the NEC at Transport House had held back from making a statement on Scottish devolution until *after* the Conference. The speeches against devolution were numerous; the retired MP George Lawson made a case against it, and as a former Scottish Whip in the House of Commons he could argue with some authority that Scottish issues had had more than their fair share of time in the House, and he wanted to know exactly where this demand for an Assembly was to be found. Brian Wilson advocated that the Party should square up to the challenge of the SNP instead of hiding under the umbrella of a Scottish Assembly, something that could lead to nothing less than the wholesale destruction of the Labour Movement. It was also argued that it would be impossible to keep all the Scottish MPs, with the obvious consequences this would have. Jim Sillars was still a Labour Party member at the time and made a fervent pro-devolution speech, advocating decentralisation and, therefore, as a logical implication, devolution.

The two first propositions put to the Conference backed the return of a majority Labour Government and opposed separation, and were unanimously carried. The third put forward the line of the Scottish Executive and declared an Assembly “irrelevant to the

⁹⁶ Minutes, Labour NEC meeting 24 July 1974.

⁹⁷ *Glasgow Herald* 24 July 1974. Cited in George Lawson: Letter to the editor of the *Sunday Times*, 28 March 1976.

needs and aspirations of the people of Scotland”, but this was lost by a large majority.⁹⁸ A card vote (see note 89) was not held, as with most union representatives in favour, there was an overwhelming majority in favour of the fourth proposal which stated “...that this conference, recognising the desire of the Scottish people for a greater say in the running of their own affairs, calls for the setting up of a directly elected Assembly with legislative powers within the context of the political and economic unity of the UK”.⁹⁹ The fifth and last proposition, which was carried unanimously, called for the retention of the office of the Secretary of State for Scotland and all the 71 Scottish MPs. This last proposition meant in practice the incorporation of an Assembly into the existing system, without any extensive alternations of the existing institutions, and made the idea of devolution much easier to handle for devolution sceptics. Bleiman and Keating assert that because of this attempt at keeping most of the constitutional status quo, this change of policy should not be seen as a radical departure from Labour’s centralist beliefs. They also stressed that support of legislative devolution was the only option available, short of total opposition to an Assembly. Because the conference was called at such a short notice, no amendments or alternative propositions could be submitted.¹⁰⁰ The Scottish Executive had fairly quickly been brought to heel, along with the official policy of the Scottish Council, but enthusiastic grassroots support for the concept took a while longer to manifest itself and its failure to permeate all sections of the Party was to cause severe trouble at a later date.

The Labour Party devolution advisor Lord Crowther-Hunt wrote a confidential letter to Judith Hart only few days after the Scottish Conference, where the main point was that many issues were still left open, and now needed to be resolved. This included the form of the Executive, the scope of powers transferred, taxing powers, the role of the Secretary of State, and which authorities should be taken over; in short, just about everything.¹⁰¹ Subsequently, the Devolution sub-committee of the NEC decided to draw up its own paper. This report was published in the beginning of September, calling for the creation of directly elected Assemblies for Scotland and Wales. One sentence read “it was the Scottish Council of Labour which, in 1974, after an open, honest debate, overwhelmingly called for an elected Scottish Assembly with legislative powers”, thereby attempting to re-write history, placing the initiative firmly in Scotland. According to the diary of the Cabinet member Barbara Castle, the report was published before it had been to

⁹⁸ Wood, "Scottish Labour in Government and Opposition: 1964-79," 118.

⁹⁹ Bleiman and Keating, *Labour and Scottish Nationalism*, 167.

¹⁰⁰ *Ibid.*, 168.

¹⁰¹ Lord Crowther-Hunt to Judith Hart, 23 August 1974.

the NEC, and it had not been shown to the Secretaries of State for Wales and Scotland.¹⁰² On the rushed process, Dalyell commented:

It is impossible to exaggerate the long-term significance that the fluke chance of a near-tie in the House of Commons can have on the attitudes of the major parties to a delicate constitutional problem... The closeness of the February and October Polls meant that many decisions which would normally have been taken in a deliberative manner were hasty and rushed.¹⁰³

The demand for a legislative Assembly was reiterated in the second White Paper on devolution, *Democracy and Devolution; Proposals for Scotland and Wales*, which was published later in September. The proposals included a Scottish legislative Assembly with an executive, with devolved powers over a wide range of functions, but no power to raise revenue, and a veto power retained by the Secretary of State, subject to affirmative resolution in Parliament. At the same time, the unity of the United Kingdom was strongly defended, along with a promise of the continued existence of the full number of Scottish MPs and the Secretary of State for Scotland. The Government did, however, promise to legislate for the establishment of Scottish and Welsh assemblies “as soon as possible”.¹⁰⁴ Harold Wilson emphasised during the process of writing the White Paper that it was crucial that the Government could not say less (and would be ill-advised to say more) than what was in the Party document already published earlier that month.¹⁰⁵

The next day, Wilson called for a new general election, and this time devolution to Scotland and Wales was included in the manifesto. But, where the British manifesto restricted itself to stating that “the next Labour Government will create elected assemblies in Scotland and Wales”, the Scottish Manifesto promised that “we shall ... give high priority in the next Parliament to the setting up of a legislative assembly for Scotland with substantial powers over the crucial areas of devolution making in Scotland. We do not believe that the Scottish people want the separatism advocated by the Scottish National Party ... They do however want an Assembly to have real status and power”.¹⁰⁶ The different wording can be explained by the fact that the matter had not yet been discussed

¹⁰² Barbara Castle, *The Castle Diaries 1974-76* (London: Weidenfeld and Nicolson, 1980), 173.

¹⁰³ Dalyell, *Devolution the End of Britain?* (London: Cape 1977), 98.

¹⁰⁴ Great Britain Privy Council, “Democracy and Devolution. Proposals for Scotland and Wales,” (Her Majesty’s Stationary Office, 1974), 10.

¹⁰⁵ Harold Wilson, “Cabinet: Devolution. Memorandum by the Prime Minister. 3 September 1974”

¹⁰⁶ The Labour Party, *Britain Will Win with Labour. General Election Manifesto Oct 1974* (London: 1974); Ruth Wheatman (Home and Parliamentary Affairs section, Research Division, House of Commons Library) to Eric Heffer, 10 November 1975.

by the Labour Party Annual Conference, as would have been customary before such a drastic proposal entered the manifesto.

The results of the general election were highly favourable for the SNP, but Labour gained 18 seats nationwide and remained in power, this time with a majority of four. The SNP swept into second position in Scotland with 30.4 per cent of the vote and 11 seats. The two-party system was thus at a low point; in England the Liberal party matched the Celtic Nationalist Parties in Scotland and Wales. To the Labour Party, the support for the SNP found in the election results seemed to confirm Scottish devolution as a central issue, which had to be acted on in one way or another.

4. BACKGROUND: THE CONCEPT OF DEVOLUTION

Devolution Defined

As mentioned in the introduction, devolution can be defined as the transfer to a subordinate elected body, on a geographical basis, of functions at present exercised by ministers and Parliament.¹⁰⁷ The functions may be *legislative*, the power to make laws, or *executive*, the power to make secondary laws and be responsible for the administration. Regardless of the functions devolved, devolution takes place within a primary legal framework determined in the superior Parliament, in this case Westminster. It involves the creation of elected bodies, subordinate to Parliament. In the British case it seeks to maintain the central feature of the British Constitution, which is the supremacy of Parliament, and thus leaves the state unitary. The development of what is termed *administrative devolution* has been sketched in chapter 2 (see p. 8).

Devolution differs clearly from federalism in that in a federal state, the authority of the central or federal government and the provincial governments is co-ordinated and shared. A constitution defines the scope of the governments.¹⁰⁸ Thus, power would not be *devolved*, but instead *divided* between Westminster and regional parliaments. In the British devolution debate references are sometimes made to a “federal solution” for Britain, but this usually implies devolution applied to all the four nations, sometimes subdivided into larger regions: what was formerly known as “Home Rule All Round”. So far, the devolution proposed in the United Kingdom has been asymmetrical, and proposed only to the “fringe” areas.¹⁰⁹

According to Bogdanor, the idea of devolution was originally a peculiarly British contribution to politics.¹¹⁰ It was first introduced in 1774 as a way of reconciling the American demands for local autonomy with the imperial rights and might of Britain. It reappeared under the name of Home Rule, as a way of solving the “Irish problem” in the period between 1884 and 1912. In Britain the longest experience with a devolved government is the Northern Ireland Parliament from 1921 to 1972. By the Government of

¹⁰⁷ Bogdanor, *Devolution in the United Kingdom*, 2.

¹⁰⁸ *Ibid.*, 3.

¹⁰⁹ Michael O'Neill, "Challenging the Centre: Home Rule Movements," in *Devolution and British Politics*, ed. Michael O'Neill (Harlow, Essex: Pearson Longman, 2004), 36.

¹¹⁰ Vernon Bogdanor, *Devolution* (Oxford: Oxford University Press, 1979), 3.

Ireland Act of 1920, Westminster established in Belfast a subordinate parliament with wide powers over the domestic affairs of Northern Ireland.

Main Issues in the Devolution Debate

Whenever devolution is debated, there are some critical issues that keep arising, and for which it has been difficult to find solutions. One of these is the West Lothian Question, which draws attention to perhaps the main constitutional and political imbalance arising from introducing asymmetrical devolution in an otherwise unitary state. It was named after Tam Dalyell, MP for West Lothian, who frequently voiced it in the Parliamentary debates of the mid-1970s, but it has been discussed ever since the 1890s and especially around the time of the 1912 Home Rule Bill. It is related to the question of how to organise an appropriate level of representation for the territorial authorities at the centre, and how to achieve a satisfactory balance of power between the respective levels of government. By Dalyell it was formulated in two parts, of which the first is how it can be right that MPs representing Scottish constituencies in the Parliament of the United Kingdom will have the power to vote on issues affecting England (including those that do not affect Scotland), while English MPs will not have the power to vote on Scottish issues. The second part of the question was important to Dalyell, but is often left out when defining or debating the West Lothian Question, and asks how it can be right that MPs elected to Westminster from Scottish constituencies have no ability to affect the issues of their own constituents when these issues have been devolved to a Scottish Parliament. Several solutions have been suggested to the first part of the question, but no acceptable and permanent solution has so far been found. One of the suggestions is to limit the number of MPs from the area which has received its own parliament or assembly. During Northern Ireland's half century of devolved government, the number of Northern Irish MPs at Westminster was cut, giving the region two thirds of its appropriate share. Dalyell himself felt that reducing the number of Scottish MPs in Westminster would in no way solve the problem, as there would still be Scottish MPs voting on English issues. Another possibility is limiting the powers of the MPs returned to Westminster from the area in question. William Gladstone, Prime Minister four times in the 1868-1894 period and the principal architect behind Home Rule, proposed such an "in and out" solution in 1893. This implied that the powers of the MPs in question would be limited and that they would not be able to vote on devolved issues, but this idea

was later abandoned as the political consequences of a shifting majority in the House of Commons would be grave for any government with a small majority. A logical solution to the first part of this problem is, for the time being, politically unrealistic, as it would mean Britain having to implement legislative devolution all around, giving England or the English regions their own assemblies or parliaments. Even if the regional assemblies were to be strengthened, legislative powers would be a large (and uncalled for) step. As Westminster is responsible for reserved matters, and taxation for Scotland and Wales is decided by Westminster by the present Act, severely reducing the number of the Scottish and Welsh MPs has been strongly opposed.

The suggestion of limiting the number of seats when a region achieves its own parliament or assembly has also been an issue in its own right, as Scotland for some time was overrepresented in Parliament to varying degrees. By the 1707 Act of Union, Scotland was allowed 45 seats in a 558-seat Parliament. At the time this was fewer than a strict population-based allocation would have provided for, but this was of rather less importance than it would have been in more modern democratic times as the powers of the House of Commons were limited. This under-representation diminished throughout the eighteenth century due to changes in the relative populations of Wales, England and Scotland, and was further reduced by the Union with Ireland in 1801, when Ireland was granted only 100 of 658 seats. By 1918 Scotland's share of seats and electorate in the UK was almost equal.¹¹¹

The Speaker's Conference in 1944 led to the institutionalisation of the 'over-representation' of Scotland and Wales within the modern boundary review system. This also led to the myth that the Act of Union guaranteed Scotland over-representation. The historian Ian McLean concluded in a survey that the over-representation of Scotland and Wales did not arise from considerations of principle, but from the bargained compromises of 1944, which then were hammered into the legislation governing the allocation of seats.¹¹² During the devolution debate of both the 1970s and the 1990s, a minimum demand was that Scotland's share of seats should be fixed according to its proportion of the electorate. In the mid-1990s, this would mean 57-59 seats instead of the 72 seats Scotland held at the time. As one of the major political parties has tended to hold a rather large majority of the Scottish seats, this is not only a theoretical constitutional issue, but

¹¹¹ Oonagh Gay, "Scotland and Devolution. Research Paper 97/92," (House of Commons Library, 1997), 54.

¹¹² Ibid.

one which could have a large impact on the formation of a majority in the House of Commons.

What largely determine the degree of autonomy for the devolved administrations are the financial agreements that are reached. The most common alternatives debated are full revenue-raising powers with a portion transferred to Westminster to cover the expense of reserved functions, limited revenue-raising powers on top of a block grant, or only a block grant from Westminster. By which formula such a block grant should be worked out has also been an open question. The economic relationship between the devolved institutions and the local authorities has also been much discussed.

The checking of powers (*vires*) is a difficult issue, for which several solutions have been suggested. There is a general agreement that provisions are necessary to ensure that the new assemblies/parliaments do not overstep their powers, but by whom this should be done and when and in what way has been fiercely debated. The Scottish Secretary, the relevant Secretary of State depending on the matter, the Judicial Committee of the Privy Council and the Appellate Committee of the House of Lords have all been cast in this role.

Which electoral system to choose has also been a topic for debate, with suggestions reaching from the Westminster model of single member constituencies, via the single-transferable vote system, the additional member system, to full proportional representation with party lists in large regional constituencies. As different political parties would benefit from the various models, this has always been a difficult issue to settle.

5. THE PARLIAMENT YEARS

Devolution is a boring word, a boring and soporific subject so far as legislation is concerned, but potentially a most powerful means of achieving one of the highest aims of democracy, bringing the process of decision-making as close as possible to the people affected by it.¹¹³

A Change of Venue

As seen in chapter 3, the Labour Party had committed itself to devolution, fought an election on the issue and issued a manifesto committed to it. Now that the policy actually had to be implemented, the discussion moved to Parliament and to the Parliamentary Labour Party. At the same time, however, the anti-devolutionists began to emerge as a distinct group amongst the Scottish Labour MPs, with Tam Dalyell, Willie Hamilton and Peter Doig as their most vocal representatives. To counter them there were also some enthusiastic supporters of devolution, such as Jim Sillars, John Robertson, John Macintosh and David Lambie. Two strong devolutionists were included in the Government: Alex Eadie as Parliamentary Under-Secretary for Energy, and Harry Ewing who was appointed the following year as Parliamentary Under-Secretary at the Scottish Office, with responsibility for the devolution issue. John Smith, who was later to become leader of the Party, had argued against Scottish devolution in the early 1970s. Having later changed his mind he came to be the Minister charged with devolution between 1976 and 1978. Several Scottish Labour MPs remained uncertain about the issue and did not reach a conclusion until they were forced to do so much later in the process. This chapter will examine the attempt to legislate for devolution through two Bills, concentrating on the debate and disagreements within the different sections of the Labour Party, and on the effects it had on the final Scotland Act.

The 1974-1979 Parliaments

To understand what happened in this critical period, it is necessary to take a closer look at the relations of power between the different participants in the House of Commons. The

¹¹³ Wilson, *Final Term. The Labour Government 1974-76* (London: Weidenfeld and Nicolson 1979), 46.

February 1974 election saw the return of 301 Labour MPs in a 635-member House of Commons. This meant that the combination of opposition parties was sufficient to deny the Government a majority. In the course of the two months it lasted before the House rose, the Government suffered no less than seventeen defeats.¹¹⁴ As a comparison, the Conservative Heath Government from 1970-1974 only experienced six defeats. In parts of the 1974-1979 period the Government depended heavily on support from the SNP and Plaid Cymru. The SNP had debated devolution long and hard and while some sections of the party were still highly sceptical of devolution, fearing it would work the way Labour intended it to and stem the nationalist tide, the official view was that devolution was to be supported as the first step towards independence. Despite the fact that the Government was returned in October 1974 with a very small majority, which was then lost in April 1976, it was one of the longer Parliaments in the post-war era. During this period the Government suffered more defeats than any government in modern British history.

When the Government was returned in October it was with an overall majority of three, but its majority over the Conservatives was 42. On many measures, the Government could count on the support of the 13 Liberals and the 14 Celtic nationalists. Thus, the majority was under threat only when the opposition parties combined, and were able to ensure a full turnout of their members. From March 1977 to May 1978, the “Lib-Lab” pact signified that the Government were assured the support of the Liberals in any vote of confidence, but this did not imply that they had their support in all votes that took place in the House. In spite of this vulnerability in numbers, only 19 of the 42 defeats suffered by the Government happened because the opposition parties combined against it.¹¹⁵ The rest were because of Labour back-benchers voting against their own government. The left-wing Labour MPs were vocal, organised (in the Tribune Group, named after the weekly newspaper), often embarrassing the Government, but seldom defeating it. Of the 27 MPs who cast 70 or more dissenting votes, all were members of the Tribune Group. But as their votes against the Government rarely coincided with Conservative votes against it, their bark was worse than their bite. Of the 23 defeats suffered by the Government as a result of Labour MPs entering the opposition lobby, only six can be attributed to the Tribune Group MPs. The effective bites came from Labour MPs from different wings of the Party joining forces with the opposition. During the 1974-79 Parliament, the Parliamentary Labour Party was split on a number of issues, of which the two most persistent were the European

¹¹⁴ Philip Norton, *Dissension in the House of Commons 1974-1979* (Oxford: Clarendon Press, 1980), 2.

¹¹⁵ *Ibid.*, 4.

Community and devolution. When it came to devolution, both the main parties were split. The official Conservative stand was against the devolution Bills, and there were more dissidents on the Labour benches than on the Opposition benches. Throughout the 1974-1979 Parliament, the number of divisions where Labour backbenchers went into the opposition lobby increased by each session, from 14.5 per cent in 1974-75 to an unprecedented 45 per cent in the final 1978-79 session.¹¹⁶ This was the greatest level of intra-party dissent in post-war history. In spite of this precarious position, the Government was able to carry all but 42 of approximately 1,500 votes held during the course of the five-session Parliament.¹¹⁷ One result of the small majority (which eventually became a minority) was that both the Prime Minister and his ministers spent a lot of time in the House, and this made it possible for them to meet back-benchers and adjust policies somewhat according to their worries, something which was done to a rather large extent with the devolution Bills.

Inside the Cabinet

In the Cabinet, opposition to devolution surfaced as English ministers gradually came to realise what actually had been promised.¹¹⁸ Harold Wilson argued that the Government was bound by the previous White Papers, but extensive general discussions within the Ministerial Steering Committee on Devolution gave ample room for the doubters and opponents of the scheme to consider the matter further. Among the doubters, who at the very least were sceptical of giving the Assembly significant economic or industrial powers, were Roy Jenkins (Home Secretary), Reginald Prentice, Shirley Williams, Eric Varley and the Lord Chancellor Lord Elwyn-Jones. Tony Benn argued against devolution from his leftist position, maintaining that the drive for devolution was about a collapse of confidence in the English political establishment. He doubted the unions really wanted devolution, as he believed it would destroy the centralized union movement, and is reported to have said in January 1975 that “industrial democracy brings power far nearer to where people are than any talking shop in Edinburgh for the SNP”.¹¹⁹ In June the same year he argued that although the new White Paper should be presented, a change of such

¹¹⁶ Ibid., 7.

¹¹⁷ Ibid., 8.

¹¹⁸ Bleiman and Keating, *Labour and Scottish Nationalism*, 175.

¹¹⁹ Castle, *The Castle Diaries 1974-76*, 282-83.

significance should not be carried through without specific endorsement from the people.¹²⁰ Barbara Castle felt that “if devolution was inevitable we had better relax and at least look as if we enjoyed it.”¹²¹ Her view was shared by many of her Cabinet colleagues: devolution was inescapable, but should not be carried too far. In September 1975 she reported in her diary that the anti-devolution minority in the Cabinet seemed stubbornly determined to fight against devolution to the bitter end. A last-minute anonymous document marked ‘confidential’ was circulated to the Ministerial Committee on Devolution before their meeting on 10 September 1975, warning that a large-scale devolution of powers to Scotland would make it impossible to retain the full number of Scottish MPs at Westminster, and that the Tories would abolish Scottish seats thus jeopardizing the prospects for a future Labour government. Instead the document proposed much reduced legislative powers to both Wales and Scotland. The Cabinet debate went back and forth, with renewed protests and arguments at every junction. The process went so slowly that Ted Short, who had drafted the first White Paper and was an ardent supporter of devolution, in October 1975 went as far as threatening to leave the Government if legislation was not introduced within that parliamentary session.¹²² All the delays meant that the next White Paper did not appear until November 1975.

Labour outside Parliament

On the subject of devolution, not everything in this period can be described as an uphill battle. A ‘neo-nationalist’ element also developed in the Party, with long-time supporters of devolution joining the increasingly nationalist group summoned around the Ayrside MP Jim Sillars. This group started to push for a more far-reaching commitment, including economic powers for the Assembly, and were soon joined by sections of the trade union movement. At the Scottish Conference in 1975 the TGWU tabled a motion calling for economic and revenue-raising powers. This motion was opposed by the Executive, and subsequently rejected, but only by 353,000 to 341,000 votes.¹²³ As some of the unions were clearly in favour of the motion, the Executive must have found their support in the local constituencies. The Scottish Executive continued to be sceptical of devolution for

¹²⁰ Ibid., 419.

¹²¹ Ibid., 173.

¹²² Ibid., 538.

¹²³ Bleiman and Keating, *Labour and Scottish Nationalism*, 179.

some time yet. According to Frances Wood they sent a letter in January 1975 to Ted Short, head of the devolutionary Constitution Unit, “in some dismay at the speed with which the Government appear to be moving towards greater devolution”.¹²⁴ The letter also warned against tax-raising powers and Assembly control of the Scottish Development Board. The Labour Party continued its decline in opinion polls and local elections throughout 1975-77. To keep arguing for more administrative devolution must have been hard when in 1975 48 per cent of the Scottish electorate thought the answer was ‘no’ to the question: “Is there a special office or organisation which helps to run Scotland?”¹²⁵

As the challenge predominantly came from the SNP and later from the break-out Scottish Labour Party (see p.48), no-one dared to fundamentally rethink the devolution commitment, although it must have been tempting as opposition grew within Parliamentary Labour. Instead opposition in the Scottish Council decreased, membership of its Executive changed, and at the 1976 Scottish Conference the Executive Committee had come far enough to propose a resolution calling for revenue powers for the Assembly and the removal of the Secretary of State’s veto, and the Conference swung behind those demands. Within two years the Scottish Executive had moved from being ardent opponents to pushing for a more extensive devolution of power.

A 1976 leaflet issued by the SCLP was rather defensive, and evidently written to meet internal Labour criticism. It carried the bold subtitle *The whole of the Labour Movement in Scotland is giving overwhelming support to the Government’s Bill for a Scottish Assembly*, and was co-written by the SCLP and the STUC. In the opening paragraph by James Milne, the General Secretary of the STUC, it was made clear that “it is certainly not true, as some assert, that devolution has become an issue for the Labour and Trade Union Movement only since the appearance of the Scottish National Party”.¹²⁶ This notion was repeated later, when it was argued that as polls, elections and canvassing of views had shown deep dissatisfaction with the present system, it was the duty of the Labour Party to do something about this, and that “to respond and react to this mood is not expediency nor is it political retreat”.¹²⁷ It was also emphasised that devolution was the only way to “silence the clamour for separation”¹²⁸, and that this was nothing more than a

¹²⁴ Wood, "Scottish Labour in Government and Opposition: 1964-79," 119.

¹²⁵ Simon Berry, "Not Many Happy Returns," *The Scotsman Magazine*, July 1985.

¹²⁶ Labour Party in Scotland, *Why Devolution. The Whole of the Labour Movement in Scotland Is Giving Overwhelming Support to the Government's Bill for a Scottish Assembly* (Glasgow: The Labour Party in Scotland, 1976).

¹²⁷ Ibid.

¹²⁸ Ibid.

logical continuation of the administrative devolution which had been going on for centuries. The Labour Movement claimed to be “speaking with one voice for the vast majority of Scots”, so there should be no doubt about their mandate. Although it was a leaflet aimed at the general public in Scotland, it seems to be directed also at Labour Party voters, members and groups in England. In the “message from the Party” signed by the chairman of the Scottish Executive and the Scottish Secretary, it was reasserted that the Government’s proposals were firmly within the essential framework of the political and economic unity of the UK, and also stressed that the Labour Party in Scotland “would never endorse any form of devolution that carried the least danger politically, socially or economically to the rest of Britain”.¹²⁹ This line of thought was drawn further when the reader was assured two pages later that what the Assembly “will not do, and what the Labour Party has made sure it will not do, is provide Scotland with any economic advantages over other parts of Britain”.¹³⁰

In spite of the impression given by this pamphlet, there was still some evidence of unrest in the STUC. In June 1976 the *Scotsman* reported that “the long-awaited backlash of English trade unionists against Scottish and Welsh devolution” had emerged.¹³¹ The Annual Conference of the building workers’ union, UCATT, rejected by 113 votes to 91 a resolution supporting the establishment of Scottish and Welsh assemblies as proposed in the Labour Party manifesto. Within that vote, the Scottish delegates voted 20-6 in favour. The Labour MP Eric Heffer, who was sponsored by UCATT, certainly did not mince his words when he warned the Conference that “devolution can mean the beginning of the end of the United Kingdom and of this working class movement”. He also expressed his wish that there should be a socialist Britain covering the whole of the United Kingdom, something which devolution would make impossible.¹³² At a Glasgow meeting of the ‘Scotland is British’ campaign in February 1977, it was claimed that leading Scots trade unionists were being barred by union policies from coming out into the open against devolution.¹³³

The all-party ‘Scotland is British’ campaign had been formed in September 1976, and formally launched on 23 November the same year. From Labour, it mainly attracted people from the right wing of the party, such as George Lawson, the former MP for the

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ John Tilley: “Builders reject devolution” in *Scotsman* 5 June 1976.

¹³² Ibid.

¹³³ Easton, John: “Devolution gag on Union Leaders” in *Glasgow Herald* 3 February 1977.

Scottish constituency Motherwell, Tam Dalyell and Danny Crawford of the UCATT. The campaign was largely funded by industrialists, and therefore gave the impression of being rather close to the Scottish Conservative establishment.¹³⁴

The 1975 White Paper

At the opening of the 1975/76 session in November 1975 the Queen promised that her Government would bring forward legislative proposals for establishing Scottish and Welsh Assemblies. To the pro-devolutionists this was a disappointing statement, as it implied that the Government did not plan to get the measures through Parliament in the upcoming session. Instead, new discussions would take place while the Government continued working on a Bill. The new White Paper on devolution, *Our Changing Democracy – Devolution to Scotland and Wales*, was presented to Parliament later in November. It was what Bogdanor has aptly described as a minimalist conception of devolution.¹³⁵ The White Paper was criticised in pro-devolutionary circles in Scotland for its negative tone, grudgingly giving away as little devolution as possible in the current context. A dry document, it gave more space to details than to the larger and more fundamental questions. It proposed a single-chamber Scottish Assembly with 142 members, two for each of the Parliamentary constituencies, elected for a fixed term of four years. Dual membership of the Westminster Parliament and the Scottish Assembly was not ruled out. On revenue-raising powers, the Government proposed that the Assembly should be allowed to make a surcharge on local taxation, but apart from that there would be a block grant.¹³⁶ The Secretary of State for Scotland's role was comprehensive, as he or she would enjoy the constitutional role of a monarch in appointing the Chief Executive and the cabinet of the Scottish administration and in ratifying Scottish legislation. In addition the Secretary would retain powerful political functions, being able to veto Scottish legislation considered to be *ultra vires* but also *intra vires* on "policy grounds".¹³⁷ The Secretary of State would then return the Bill to the Assembly. Social work services were to be devolved, but not the social security system as such. Schools would be devolved, but not responsibility for the

¹³⁴ Bleiman and Keating, *Labour and Scottish Nationalism*, 186.

¹³⁵ Bogdanor, *Devolution*, 153.

¹³⁶ Great Britain Privy Council, "Our Changing Democracy. Government to Scotland and Wales," (Her Majesty's Stationary Office, 1975), 35.

¹³⁷ *Ibid.*, 13.

universities. The industrial functions of the Scottish Development Agency were not to be devolved, but most other functions were.¹³⁸ After five days' debate the House took note of the White Paper by 295 votes to 37, a solid majority, but leaving a large number of abstainers.¹³⁹

There was little enthusiasm about the White Paper to be found in the public. A Systems Three poll published in the *Glasgow Herald* on 19 January 1976 showed that of those who were dissatisfied with the White Paper (48 per cent of those surveyed), no less than 92 per cent wanted more powers for the Assembly.¹⁴⁰ Even Labour's Scottish Executive regarded the measures proposed as inadequate, and as mentioned previously (see p.43) it tabled a resolution to the 1976 Scottish Conference calling for revenue-raising powers, the removal of the Secretary of State's veto and devolution of the Scottish Development Agency. This reversal of the 1974 roles reflected public opinion in Scotland, which now was increasingly in favour of devolution. By 1977, even the Trotskyite left-wing group 'Militant' had changed its mind and did now endorse devolution. Discontent in the pro-devolutionist wing of Scottish Labour is an issue which will be further dealt with below (see p.48), but the anti-devolutionists were not happy with the White Paper either. In the adjournment debate on devolution in February 1975, Neil Kinnock argued in the centralist, socialist tradition of his party, asserting that the aims of the class he represented could "best be achieved in a single nation and in a single economic unit".¹⁴¹

Norman Buchan, Robin Cook and Denis Canavan, all Scottish MPs and Tribune Group members, issued a statement which accepted devolution, but also stated that "this is no time to create a division of the working class movement in Scotland. We must unite to fight those whose real aim is to break up the UK and with it the British Labour Movement".¹⁴² Eric Heffer argued along the same lines, believing that the most important thing was not whether or not there would be devolution, but whether there would be a disunited Britain. However, more sceptical of devolution than his three colleagues mentioned above, he also thought it was about time English MPs woke up and realised what damage could be done to the UK as a whole.¹⁴³

¹³⁸ Ibid., 28.

¹³⁹ Wilson, *Final Term. The Labour Government 1974-76*, 212.

¹⁴⁰ Roger Levy, "The Search for a Rational Strategy: The Scottish National Party and Devolution 1974-79," *Political Studies* 34, no. 2 (1986), 243.

¹⁴¹ Hill, "Devolution," 224.

¹⁴² Eric Heffer, "Devolution and the Labour Party " (December 1975 (?)).

¹⁴³ Ibid.

The Parliamentary Labour Party did not debate devolution until after the 1975 White Paper had been published. The Scottish and Welsh groups had discussed devolution, but that meant that English Members were unable to take part in the discussion, as George Cunningham complained at a meeting.¹⁴⁴ When they finally got around to putting it on the agenda in December 1975, the English MPs voiced their criticism and reservations towards the issue. Cunningham believed the White Paper represented the most the Government would stand and the least they could get away with.¹⁴⁵ Eric Heffer protested that the social conditions were as bad in England as anywhere in Scotland, but no-one in England felt regional assemblies would solve these problems.¹⁴⁶

The unions also suffered from an English backlash to the proposed plans for a Scottish Assembly.¹⁴⁷ According to Bleiman and Keating, there is a certain irony in this, as it may have contributed to convince some Scottish union leaders that it was *necessary* to have political institutions capable of defending Scotland's interests, and including economic powers granted to a possible Assembly. The STUC felt that a Scottish Assembly with such powers could enhance their status, so the response to the White Paper was to welcome the commitment to devolution and reaffirm their commitment to the economic unity of the United Kingdom, but at the same time regret the absence of economic or revenue-raising powers.¹⁴⁸

In an attempt to meet the criticism, a new White Paper was published in August 1976: *Devolution to Scotland and Wales – Supplementary Statement*. This document offered further elaborations on many disputed issues, and also included some changes of view in an attempt to placate both sides. One of the most important changes was a decision not to pursue the idea of devolving any revenue-raising powers, so that finance was restricted to the provision of central government block grants.¹⁴⁹ Instead of the Secretary of State inviting a prospective Chief Executive to form an executive, the Government now proposed that it should be entirely for the Assembly to decide who was to be the Chief Executive.¹⁵⁰ Another important point made was that the Scottish Assembly would be given legislative powers in the whole field of Scottish private law. The new statement also reduced the role of the Secretary of State further, and proposed to completely devolve the

¹⁴⁴ Minutes, Parliamentary Labour Party meeting 23 October 1975.

¹⁴⁵ Minutes, Parliamentary Labour Party meeting 3 December 1975.

¹⁴⁶ Minutes, Parliamentary Labour Party meeting 2 December 1975.

¹⁴⁷ Bleiman and Keating, *Labour and Scottish Nationalism*, 184-85.

¹⁴⁸ *Ibid.*

¹⁴⁹ Great Britain Privy Council, "Devolution to Scotland and Wales. Supplementary Statement," (Her Majesty's Stationary Office, 1976), 3.

¹⁵⁰ *Ibid.*, 2.

Scottish Development Agency. These concessions meant that the Government had gone further on devolution than its manifesto promise, a fact which led to unrest in the Parliamentary Labour Party. Six MPs warned Michael Foot against imposing a guillotine on the Bill. Another two MPs declared that while they could support the forthcoming Bill, this was the absolute limit to what they were willing to yield. As Lord President of the Council and Minister in charge of devolution, Ted Short issued a stern warning to the anti-devolutionist Labour MPs in March 1975: "If we do not act responsibly now then there will be a separate Scottish state in ten year's time".¹⁵¹ Harry Ewing (Scottish Under-Secretary with responsibility for devolution) backed him up in rejecting fears that any transfer of legislative control from Westminster would be the first step on a slippery slope to the break-up of the UK: "It is my view that given meaningful devolution our people will say 'That far and no farther'".¹⁵²

The SLP Split

The result of the 1975 referendum on continued British membership in the EEC had disappointed many in Labour and in the trade unions. Some of the members in Scotland then seem to have converted their anti-EEC position into one favouring independent Scottish representation in Brussels. Jim Sillars was in this category. He continued to push for a more powerful Scottish Assembly from his position as member of the Scottish Executive, but was severely disappointed when his faction lost the motion which would have given the Assembly power over the Scottish Development Agency at the 1975 Scottish Conference. Because of the decline of the Labour Party in opinion polls, there was a nervous feeling that the Party was heading towards a collapse, and that a new combination of socialism and nationalism therefore was needed. Sillars felt let down by the opposition to Scottish devolution found among the left-wing English Labour MPs, and attempted in November 1975 to get Eric Heffer to issue a press statement in Scotland explaining that he was a supporter and not an opponent of devolution.¹⁵³ The negative and grudging tone of the White Paper issued in November 1975 was the final straw, whereupon Sillars and the group around him broke out and founded the Scottish Labour Party (SLP). Alex Neil, the party's Scottish Research Officer, and the MP John Robertson were

¹⁵¹ George Reid, *Devolution - a Guide* (Edinburgh: The Scottish National Party, 1976).

¹⁵² Ibid.

¹⁵³ Jim Sillars to Eric Heffer, November 1975.

amongst the people who joined Sillars. The name was taken from the party originally formed by Keir Hardie in 1888. The Scottish Council of the Labour Party was furious and quickly ruined Sillars' hopes of dual membership with the British Labour Party.¹⁵⁴ William Ross himself consigned the SLP rebels to "a special hell".¹⁵⁵ The new party was announced just before Christmas in December 1975, but not formally launched until January the next year. Membership, which at its high point reached 900, was mainly drawn from the working class and students, with a number of middle-class intellectuals also supporting the party. Among the active members was Tom Nairn, who has since authored several seminal books on nationalism, as well as Lindsay Paterson, who was later to become a prominent social scientist.¹⁵⁶ Some people who had previously defected from Labour to the SNP now joined the SLP.

The party's policies on several issues were – not surprisingly - to the left of mainstream Labour policies: worker control over the private sector of industry, all land to be automatically transferred to public ownership etc. According to the party secretary, the SLP was "not in favour of outright independence... but seeking maximum devolution followed by independence in a European context".¹⁵⁷ When it was rumoured that the coming referendum might offer three alternatives (status quo, devolution, independence) it was argued within the party that they should vote for "independence" for purely tactical reasons. It was hoped that a 'yes' to a suitable third option would give the Scottish people a strong bargaining position without it necessarily leading to complete independence.¹⁵⁸ The SLP's existence was somewhat of a political gamble; in a future with a Scottish Assembly the party could come to play an important role, so in the Party's Policy papers it was assumed that such an Assembly would become reality.¹⁵⁹ Perhaps the most important role it played was as a pro-devolution challenge to Labour, keeping it from reneging on its promises, and also as a left-wing opposition to radical opponents of devolution, such as Heffer and Cook.

¹⁵⁴ Wood, "Scottish Labour in Government and Opposition: 1964-79," 121.

¹⁵⁵ Miller, "The Scottish Dimension," 106.

¹⁵⁶ Scottish Labour Party: *Edinburgh Branch Draft Minutes 1976-1978*.

¹⁵⁷ Mercer, *Scotland, the Devolution of Power*, 174.

¹⁵⁸ Scottish Labour Party, *Edinburgh Branch Newsletter* (April 1976).

¹⁵⁹ Scottish Labour Party: *SLP Strategy for the Coming Scottish Election*, (1978).

Changes Within Labour

In April 1976 Harold Wilson resigned as Prime Minister, and James Callaghan was appointed as his successor. William Ross joined Wilson in retirement and was replaced as Secretary of State by his deputy, Bruce Millan. Until 1976 there had been a parliamentary majority of three, this was later reduced to two, and soon after Callaghan took over John Stonehouse decided to sit as an Independent. In addition they lost the two MPs who defected to the SLP. According to Callaghan, "the ride became even more bumpy as Labour Members tumbled to the fact that they too could threaten to abstain or vote against their Government unless they got their way."¹⁶⁰

Callaghan writes in his memoirs that the broad outline of the Government's policy on major issues such as devolution had been settled before his arrival.¹⁶¹ A late convert to the cause, Callaghan insisted that devolution was not a break with policy, but a natural consequence of the primarily administrative devolution Scotland already had enjoyed, and also of the process that had commenced in the 1960s. In May 1976 Callaghan wrote to the retired Labour MP George Lawson that:

...our proposals are not, as your letter implies, merely a political manoeuvre. They are the latest stage of the process started when we appointed the Kilbrandon Commission in 1969. The Commission rejected separatism and we agree with that. The Commission also recommended devolution. We agree with that, too, and are trying to bring it about by a considered and sensible approach which recognises the inadequacies of the status quo while firmly rejecting the extreme nationalist position.¹⁶²

When, in his memoirs, Callaghan later claimed that the devolution promise was made already in the February manifesto, and thus created the impression that this was what Labour had intended all along, it is difficult to say whether this was merely a slip of the tongue or a deliberate attempt to re-write or falsify history, but whatever the truth may be it fits nicely with the line of argument he applied throughout the debate.

Devolution had not been deemed important enough to take up time at the annual Labour Party Conferences of 1974 and 1975, and this had resulted in criticism from the

¹⁶⁰ Callaghan, *Time and Chance*, 449.

¹⁶¹ *Ibid.*, 395.

¹⁶² James Callaghan to George Lawson 10 May 1976.

anti-devolutionists, especially from Eric Heffer who valued party democracy highly.¹⁶³ In spite of the 1976 Labour Conference being the first discussion of devolution involving the entire party since 1968, it allocated only 52 minutes to the issue. There were two opposing Composite Resolutions, but apart from one delegate to move and one to second each resolution, and Michael Foot to sum up the debate, there was only time to hear three speakers from the floor. Neil Kinnock spoke fervently against devolution, together with the delegate from Blaydon Constituency Labour Party who commented “it seems to me that eleven SNP MPs sometimes have more influence than the whole of the Northern Labour Group”.¹⁶⁴ Michael Foot attempted to prolong the myth of uninterrupted Labour support for devolution by invoking the ghost of Keir Hardie in his reply to Neil Kinnock’s charge of the Government’s “indecent haste”: “He [Hardie] would have asked us why we had not got on with it before.”¹⁶⁵ In spite of several of the unions withdrawing their support, the Conference carried a pro-devolution resolution. This important event disarmed left-wing opponents of devolution, who were accustomed to upholding the sanctity of conference decisions. Opposition to devolution remained in the Party, but in the next couple of years the opponents concentrated on limiting the powers of the Assembly, as the time had now come for proposing legislation.

The Scotland and Wales Bill

In the Queen’s Speech in 1976 the Callaghan Government finally announced its intention to legislate in the coming session. The Cabinet Official Committee on Devolution had considered introducing the Bill either in November 1975, January 1976 or November 1976, but had concluded that only the last option would allow for solving all the practical problems in advance, so they would not have to be dealt with after the assemblies had come into being.¹⁶⁶ Thus, on 23 November 1976 the Scotland and Wales Bill appeared. It is clear from a note written to the Ministerial Committee on Devolution that Ted Short initially believed they could get the Bill through on the first attempt, although it might become necessary to divide it into two separate Bills.¹⁶⁷

¹⁶³ Heffer, "Devolution and the Labour Party ".

¹⁶⁴ Labour Party, "Labour Party Annual Conference" (1976), 196.

¹⁶⁵ Ibid., 202.

¹⁶⁶ Minutes, Cabinet Official Committee meeting 11 December 1974.

¹⁶⁷ Ted Short to the Ministerial Committee on Devolution, December 1974.

Margaret Thatcher had been elected as leader of the Conservative Party the previous year, and unlike her predecessor she strongly rejected Labour's devolution plans. On 8 December the Shadow Cabinet decided to oppose the Second Reading of the Bill, something which led to the resignation of Shadow Secretary of State for Scotland Alick Buchanan-Smith and Shadow Scottish Office spokesman Malcolm Rifkind. Mrs Thatcher issued a three-line whip against the principle of the Scotland and Wales Bill, but only five of her 16 Scottish MPs chose to obey it. The *Scotsman* greeted the Bill with the headline "Assembly in a straitjacket".¹⁶⁸ The public mood should have been an incentive to legislate; according to an opinion poll from December 1976, 22 per cent of the Scottish electorate opted for a 'completely independent Scottish Parliament separate from England', 52 per cent for a 'Scottish Assembly as part of Britain, but with substantial powers', and only 20 per cent said they preferred 'no change from the present system'.¹⁶⁹ However, this enthusiasm for devolution had not spread to the Parliamentary Labour Party.

Opposition From Within the Party

Already in the summer of 1976 an article in the *Scotsman* referred to a "growing anti-Assembly backlash among Labour MPs".¹⁷⁰ On 16 November anti-devolution Labour MPs met at Westminster and issued a threat to kill the devolution Bill unless a referendum on its Assembly proposals and on independence was held almost immediately. Without such a guarantee written into the Bill, there could be more than 35 Labour MPs who would rebel by voting against its Second Reading, Neil Kinnock stated. He tabled a Commons motion signed by 76 anti-devolution Labour MPs calling for a referendum "before proceeding with the Bill".¹⁷¹

The main criticisms of the Bill was that it went further than there seemed to be public demand for, especially in Wales, that the combined Bill for Scotland and Wales confused and delayed legislation, and that the degree of power-transfer was insufficient and would generate more dissatisfaction with Westminster and lead to a possible break-up of the Kingdom. Election to the new assemblies should be by proportional representation, and there would be conflict in the fields shared between the assemblies and the

¹⁶⁸ Mercer, *Scotland, the Devolution of Power*, 168.

¹⁶⁹ Callaghan, *Time and Chance*, 505.

¹⁷⁰ George Jones: "Labour move to save Assembly" *Scotsman* 19 July 1976.

¹⁷¹ David Bradford: "Anti-devolution MPs issue ultimatum on referendum", *Scotsman* 17 November 1976.

Westminster Parliament. Especially among the Scottish MPs there was also the fear of a reduction in the number of Scottish seats, at least in accordance with the present share of population, from 71 to 57.

From the Labour backbenches one could repeatedly and consistently hear the argument that devolution would pose a threat to socialist unity, and the relationship between for instance Glasgow and Liverpool was believed to be closer than between the industrial belt north of the border and the Highlands and Islands of Scotland. The Liverpool MP Eric Heffer later wrote in his memoirs that his opposition rose out of his understanding of international socialism, inspired by Rosa Luxemburg and the Austro-Marxists. Like them, he dreamed of an empire being transformed into a socialist unified state, and he consequently feared that devolution for Scotland and Wales would weaken Britain as a united economic unit and be detrimental to socialism in the UK as a whole.¹⁷²

Faced with significant internal opposition, the Government repeatedly tried to counter it with the argument which they assumed would appeal to the left wing, that devolution was all about democracy and bringing decisions closer to the people, or in Wilson's words: "Democracy must be more than a periodic exercise in head counting. It must provide for the involvement of individuals in all decision-making processes".¹⁷³ During the Second Reading of the Scotland and Wales Bill, Tam Dalyell argued that this was a misapprehension that needed to be cleared up, as the Bill would not make government more local. Instead, it would centralise it in Edinburgh.¹⁷⁴ As became evident later, this was a way of looking at the issue shared by a large number of Labour activists and local councillors.

The Bill Came Tumbling Down

The Bill's opponents in all parties used every delaying tactic available to prevent its completion. After an extremely lengthy debate the principle of the Scotland and Wales Bill was approved by 292 votes to 247 on 16 December. Uncertain of the result of the vote, the Government included a concession to a referendum on the last day of the Second Reading. In earlier statements to the Commons, Michael Foot had refused to hold a referendum on

¹⁷² Eric Heffer, *Never a Yes Man. The Life and Politics of an Adopted Liverpudlian* (London: Verso, 1991), 165.

¹⁷³ Harold Wilson: "Devolution". Memorandum to the Cabinet, 3 September 1974.

¹⁷⁴ HC Deb, 13 December 1976 vol 922 cc1148-49.

the grounds that as devolution was a manifesto commitment, the Government had a mandate to carry it through. After pressure from the Labour opponents, John Smith introduced an amendment to enter a referendum into the Bill. During the devolution debate at the 1976 Labour Conference, the demand for a referendum had been linked to the opponents of devolution, and it was therefore clear to all that this amendment represented an important concession to this group.¹⁷⁵ For the Government to put forward such a change to a Bill to be debated as late as at the Committee stage, was entirely without precedent and caused great uproar in the House.¹⁷⁶ A meeting of the Parliamentary Labour Party was called to enable Members to express their views to the Government on the referenda. Several Members were in favour of posing two or three questions, allowing the electorate to choose between devolution, status quo and independence. One of the Members informed the group that he had abstained on the Second Hearing and would have voted against the Bill had the Government's assurance on the holding of a referendum not been given, emphasising that this was not a promise to shrink away from. Several Members wanted the English electorate to be able to vote as well, as this was an issue of importance for the whole kingdom.¹⁷⁷

While the Government held a Commons majority of 45 on the principle of the Bill, the considerable cross-party voting was particularly striking. Amongst the Labour members 30 abstained and ten voted with the Conservatives, Tam Dalyell the only Scot amongst them.¹⁷⁸ According to Dalyell, many of the votes in favour of the Bill were given under the explicit understanding that the MPs did so because they thought it wrong to deny the proposals a hearing, not because they supported them as such.¹⁷⁹ This can, to some extent, explain what followed. On 22 February 1977 the Government tabled a Guillotine Motion. A Guillotine Motion, properly called an Allocation of Time Motion, limits the time the House can spend on a Bill by proposing a timetable for the various stages. The Second Reading had resulted in the discussion of only three of the Bill's 115 clauses, and it was considered likely it would simply be filibustered to death. The timetable would have allowed a total of 35 days for the Bill's consideration, of which 15 had already been spent. The SNP voted in favour of the Guillotine Motion, but this was not sufficient. The motion was defeated by 312 to 283 votes, the 312 including 22 Labour MPs who had entered the

¹⁷⁵ Labour Party, "Labour Party Conference Report 1976," (London: 1976), 194-205.

¹⁷⁶ Bogdanor, *Devolution*, 155.

¹⁷⁷ Minutes Parliamentary Labour Party meeting 25 January 1977.

¹⁷⁸ Miller, "The Scottish Dimension," 107.

¹⁷⁹ Dalyell, *Devolution the End of Britain?*, 129.

Opposition lobby, along with the Conservatives and most of the Liberals. In addition, approximately 20 Labour MPs abstained. Of the Labour rebels, only Tam Dalyell and Willie Hamilton were Scottish; two were Welsh; and the rest were English. Upon the failure of the Guillotine Motion, the *Scotsman* wrote “The Bill was...backed by two-thirds of the Scottish MPs but this handsome majority was nullified by the votes of English MPs who have, in effect, exercised a veto on devolution”.¹⁸⁰

Reactions to the Fall

The defeat of the motion and subsequently the Bill could not have represented a great surprise to the Government; as early as June the previous year Dalyell had collected the signature of seventy Labour MPs who warned the Government that in the event of their introducing a Guillotine Motion on the Scotland and Wales Bill, they could not any longer rely on these seventy members’ support.¹⁸¹ The attitude amongst other Labour MPs was described as one of resigned acceptance.¹⁸² Callaghan later commented dryly in his memoirs that he never succeeded in getting any “left-wing purist” to explain why he should have a dispensation to ignore conference decisions while he denied the Government the right to ever do so.¹⁸³ Dalyell felt that the criticism levelled at the 43 Labour dissenters was more concerned with the fact that they had put the future of the Labour Government in jeopardy than with the merits of the Bill itself.¹⁸⁴ Two Parliamentary Private Secretaries, who had voted against the Bill, were sacked for their disloyalty.¹⁸⁵

Surprisingly enough, the SNP did not organise protest demonstrations in the days that followed, but there were several angry reactions in the press and in Parliament. The SNP MP George Reid argued that while many MPs passionately protested that it was entirely indefensible and unacceptable to bring in the guillotine on a Bill of that nature, what happened was no better: he asked “is the filibuster, then, a more acceptable element of the parliamentary process?” To prove his case he made a reference to Tam Dalyell, who had announced in his initial remarks at the very first sitting that he was “not seeking in any way to filibuster” and he consistently repeated this pious intention over successive days

¹⁸⁰ Mercer, *Scotland, the Devolution of Power*, 167.

¹⁸¹ Dalyell, *Devolution the End of Britain?*, 131.

¹⁸² Bleiman and Keating, *Labour and Scottish Nationalism*, 182.

¹⁸³ Callaghan, *Time and Chance*, 450.

¹⁸⁴ Dalyell, *Devolution the End of Britain?*, 141.

¹⁸⁵ Minutes, Parliamentary Labour Party meeting 20 January 1977.

and nights of the debate. "But in all conscience, how can this be squared with the fact that by 2 February he had already made no less than 10 lengthy speeches and 107 interventions, and raised 14 points of order?"¹⁸⁶

The SNP soon withdrew its support from the Labour Government, but Labour was saved by the 'Lib-Lab' pact with the Liberal Party, agreed on 24 March. The Liberal leader David Steel wanted the Devolution Bill to be put to the House once more, subject to certain changes. As there would not be enough time to get the Bill through all its stages before the House rose at the end of July, Callaghan and Steele agreed that it should be re-introduced at the beginning of the following session in November 1977. Extensive and detailed negotiations with the Liberals were undertaken by John Smith, who had assisted Michael Foot in the aforementioned Bill.

The anti-devolutionist part of the party increased their attempts at organising, but the distribution of 'Scotland is British' literature on the Scottish Conference in March 1976 led some of the delegates to walk out. In a letter to "supporters" dated May 1977, George Lawson wrote that although the first Bill was defeated, the campaign "must none the less remain strongly in evidence in Scotland, not only to provide a rallying point for opponents of nationalism, but to convince Parliament that opposition is as fierce as ever to any attempt to impose a separate legislative Assembly on Scotland".¹⁸⁷ As for the response from the Scottish people, it is possible to interpret the District Council elections in May as a popular reaction to the fall of the Bill; the SNP gained 107 seats, Labour lost 129 seats, and even lost control of Glasgow.¹⁸⁸

The Scotland Bill

As previously agreed upon by Labour and the Liberal Party, the new Bill appeared in the beginning of November 1977. In preparation for the new Bill, the Government had conducted talks with the Scottish and Welsh Councils of the Party, the Labour rebels, the Liberal Party etc. The Scottish executive pressed for separate Bills, so that opposition in Wales would not hinder Scottish devolution.¹⁸⁹ This was also the wish of the Scottish

¹⁸⁶ George Reid, "About Killing the Bill," *Contact. A Briefing Service for Scots, British and Overseas Journalists*, April 1977.

¹⁸⁷ George Lawson to supporters, 16 May 1977.

¹⁸⁸ Miller, "The Scottish Dimension," 107.

¹⁸⁹ Scottish Council of the Labour Party, "Devolution: Proposals for a New Bill. Background Paper for a Meeting with Rt. Hon. Michael Foot, MP on 10th June, 1977".

Trades Union Congress.¹⁹⁰ The Welsh executive was afraid that separate Bills would mean the sacrifice of Wales. They believed there had already been too many compromises, amongst them the referendum. Both the Welsh and the Scottish executives wanted the Bill to be Guillotined from the beginning.¹⁹¹ The Scottish Executive eventually won, and separate Bills for Scotland and Wales were introduced. By splitting the Bill the Government was guaranteed the votes of some Labour rebels who had voted against the combined Bill because they believed that Wales did not want devolution. Guillotines were proposed for both Bills from early in the process, with 17 days or 91 hours allocated to the Scottish Bill, and the Second Reading restricted to one single day. This was made possible with the support of the Liberal Party, but there was also a considerable number of Labour dissidents who now returned to the fold. At a Parliamentary Labour Party meeting on 17 November, a Member claimed that many of his colleagues had sacrificed their own personal views on this matter in order to support a vulnerable Government.¹⁹² Of the 43 who had abstained or voted against the Guillotine Motion on the Scotland and Wales Bill, only 16 still withheld their support.¹⁹³ The Whips had this time made the link between the Bill and the survival of the Government clearer to the Parliamentary Labour Party, and through discussions important concessions had been made, as will be discussed below. Thus, in the vote on the Guillotine Motion there was a majority of 26 for the Government. After the lengthy debates the previous winter few MPs were interested, and attendance was slack, even from the SNP.

If in-house interest was lacking, the development was followed closely by George Lawson of the 'Scotland is British' campaign. Just before the introduction of the Bill he wrote a letter to several Labour MPs, using his role as an old colleague and party fellow to make a plea against supporting the Government in what he called "perpetrating upon the British people a measure of criminal folly from which there will be no return".¹⁹⁴ He believed that during the past few years Labour had lived on a lie, and had acted in a self-destructive manner. He warned that should the Bill get as far as a referendum, many Labour supporters would regard their party with open contempt. The response he got from various quarters clearly showed that this was an issue which cut across left/right divides of the Party. In spite of Lawson being on the right wing, he got sympathetic replies from MPs

¹⁹⁰ Scottish Trades Union Congress, "Paper for Meeting with Michael Foot, July 1977".

¹⁹¹ Minutes, Meeting between Michael Foot and the Scottish and Welsh Councils of the Labour Party, 30 March 1977.

¹⁹² Minutes Parliamentary Labour Party 17 November 1977.

¹⁹³ Bogdanor, *Devolution*, 159.

¹⁹⁴ George Lawson to Labour MPs October 1977.

such as Eric Heffer, who complained of the lack of support they were receiving from the Scottish Executive.¹⁹⁵ Several MPs expressed hopes of the Scottish people turning down the proposals, as “the whole thing has gone too far with the Prime Minister and the Cabinet committed, to draw back now”.¹⁹⁶ There seemed to be a wide-spread feeling that things had changed too quickly, and that there now was no way back and no alternative to lukewarm support. The English MP John Ellis described how he, when talking to colleagues from Wales and Scotland, “was appalled at the changes of view-point and how the situation ought to be met, often from week to week”.¹⁹⁷

Some of this opposition was met with a number of significant changes since the last Bill, for instance the role of the Secretary of State was further reduced, and disputes over *vires* were to be referred to the judicial committee of the Privy Council. The Liberals had wanted proportional representation to be a part of the new Bill, something the Government would not concede on, but it did promise a free vote on the Labour side. The Liberals had also initially insisted on tax-raising powers, but this demand was dropped when the Government made it clear that they would introduce a proposal if they could only find a workable system, which they in the end could not do.¹⁹⁸ This was partly prevented by the Treasury, and partly by the worries of MPs from Northern England who bitterly resented what they feared would be economic advantages to Scotland and her economic and social problems, disregarding their own deprived areas. Thus, the proposed Assembly was still without major economic or industrial functions, and it was hoped that this would make it easier to secure the votes of the English Labour MPs. In addition, William Miller reports that Northern England was “showered with aid” during 1977.¹⁹⁹

Another significant change from the first time around was that now the referendum was included from the start. The Government saw that they might not get the Second Reading of the Bill unless they could promise a referendum to those who believed in it, and they wanted to provide an excuse for erstwhile anti-devolutionists in the Labour and Tory parties to change their minds on the grounds that the position had changed somewhat now that a referendum had been promised.²⁰⁰ In addition, the introduction of separate Bills made it possible to drop Welsh devolution while securing the consent of even Welsh anti-

¹⁹⁵ Eric Heffer to George Lawson 30 November 1977.

¹⁹⁶ Ben T. Ford to George Lawson 9 January 1977.

¹⁹⁷ John Ellis to George Lawson 18 November 1977.

¹⁹⁸ James Naughtie, “The Scotland Bill in the House of Commons,” in *The Scottish Government Yearbook 1979*, ed. H.M. Drucker and N.L. Drucker (Edinburgh: Paul Harris Publishing, 1978), 18.

¹⁹⁹ Miller, “The Scottish Dimension,” 108.

²⁰⁰ Dalyell, *Devolution the End of Britain?*, 146.

devolutionists to devolution for Scotland alone. Also, a referendum allowed what James Naughtie describes as a “controlled schizophrenia in the Labour Party”, where some anti-devolutionists could vote for their government in the lobbies and still reserve the right to campaign for a ‘no’ in the referendum campaign.²⁰¹ The referendum was to be held after the Bill had been enacted and had to be held before the Act was brought into operation. During the committee stage in January it was moved that the referendum should be held in the whole of the United Kingdom, with several MPs, such as George Cunningham, suggesting that this was an absolute requirement as it affected the unity of the United Kingdom. The amendment was, however, not passed.

The Secretary of State for Scotland, Bruce Millan, presented the Bill to the House of Commons in the Second Reading on 14 November 1977. He made it abundantly clear that the unity of the United Kingdom was not to be questioned, proclaiming “the continuing and unimpaired sovereignty of Parliament, which is what devolution is about”²⁰² one of the four guiding principles the Bill was based on. He compared Britain to other European countries where there was a great deal more decentralisation and devolution of power from the centre, and argued that to give the Scottish people improved democratic participation would strengthen, not weaken, the unity of the United Kingdom. The Scottish Labour MP Norman Buchan expressed the view that while he hoped the Bill would not affect the unity of the United Kingdom, this could not be legislated for.²⁰³ The main speaker for the SNP, Gordon Wilson, did little in the way of helping the pro-devolutionists in Labour as he started off by emphasising that his party regarded the Bill as a first step along the way to self-government for Scotland.²⁰⁴ This was of course jumped upon by anti-devolutionists such as Tam Dalyell, who argued that the only beneficiaries of the Bill would be the SNP. According to Dalyell the Bill was not a stable resting place, but a stepping stone, and would end with federalism or worse.²⁰⁵ In rounding up the Second Reading, John Smith spoke for the Government, and tried to rectify this impression. He emphasised that there were two central issues, namely the need to decentralise decision taking to increase democratic accountability in both Scotland and Wales, and that by doing this the unity of the United Kingdom would actually be strengthened instead of weakened. The Second Reading is usually a time for examination of the specific clauses in a Bill, but

²⁰¹ Naughtie, “The Scotland Bill in the House of Commons,” 17.

²⁰² HC Deb, 14 November 1977 vol 939 c52.

²⁰³ Ibid., c94.

²⁰⁴ Ibid., c113.

²⁰⁵ Ibid., c122.

the same basic arguments were repeated time and time again, the opponents arguing that each clause drove them back to the principle.²⁰⁶ Still, the Second Reading of the Bill was passed with a safe majority: 313 to 274 votes. 11 Labour MPs voted against, amongst them Cunningham, Dalyell and Mendelson.²⁰⁷ The Bill went on to be further debated in the Committee of the Full House.

At the Committee Stage already the first clause of the Bill was fiercely contested, and actually defeated by a combination of Conservatives, Liberals, Ulster Unionists, Nationalists and Tam Dalyell. It had read that the unity of the United Kingdom and the supreme authority of Parliament were not impaired by the Bill, and as this was part of the Government's main justification for the Bill, the loss of the clause naturally caused them some embarrassment.

Criticism from the Left

Lawson and Dalyell were at the time considered right-of-the-centre in the Labour Party, and the most vocal criticism in the first stages of the debate had come from this direction. But this was an issue which cut across traditional lines within the Party, and there existed different reasons for opposing the Bill. The Scottish MPs Robert Hughes and Robin Cook reasserted the standard left-wing position that devolution would contribute nothing to a positive development of the British economy, but this was not a very effective argument in the House. Robin Cook, who at the time was Labour MP for Edinburgh Central, had spoken in favour of devolution on several occasions in the House, but withdrew his support during the Second Reading of the Scotland Bill.²⁰⁸ In a letter to George Lawson dated 1 November 1977, Robin Cook explains that he had supported the commitment to devolution ever since the Party agreed to give such a pledge to the electorate. However mistaken this commitment was in the first place, it had contributed to make devolution a central issue of Scottish politics. He went on: "I am bound to say that I have been forced to reconsider this view in the months since the failure of the guillotine motion because of the extraordinary lack of response among the ordinary voters".²⁰⁹ This did not, however, imply that he would vote against the Bill in the House: "Frankly, I do not feel that I myself can now do other

²⁰⁶ Ibid., c193.

²⁰⁷ Norton, *Dissension in the House of Commons 1974-1979*, 275.

²⁰⁸ HC Deb, 14 November 1977 vol 939 cc155-160.

²⁰⁹ Robin Cook to George Lawson 1 November 1977.

than support the Bill, although I will again be tabling and pressing amendments on questions such as the referendum, representation at Westminster, and finance.”²¹⁰ After a week of further pondering, he wrote letters both to Michael Foot, Leader of the House, and George Lawson, on 9 November. To Lawson he wrote: “You will see that whilst I intend to support the Bill through its parliamentary stages I now intend to campaign against the proposals in the subsequent referendum.”²¹¹ In the attached copy of the letter to Foot he explained that this conclusion had been reached after speaking to 300 constituents and having found only one who could say that he felt deeply about the survival of the Bill.²¹² His argument addressing the House went along the same lines: The Labour Party in Scotland had not suffered when the Guillotine Motion fell, and there was little interest for devolution in Scotland – it was not the issue it was cracked up to be. When Sillars believed otherwise, it was because in his mind there was no distinction between the case for devolution to Scotland and the case against unemployment and urban deprivation in Scotland. “I have always had reservations on the matter and I am not trying to over-dramatise my conversion (...) I was able to swallow them [the reservations] because I believed that there was a deep conviction in Scotland in favour of devolution. Once I lost that faith, my reservations loomed up much more sharply.”²¹³ However, he repeated his intention to vote in favour of the Bill, because he did not want to kill the Bill but the *issue*, and he believed that this could not be done in the House of Commons, it had to be done in the referendum following the Bill.²¹⁴

Also speaking from the left wing of the Party, Eric Heffer argued the case against any advantage for Scotland at the expense of deprived areas in England. He regretted both that devolution was supported at the 1976 Party Conference, and that devolution was in the manifesto first and then only went to the conference afterwards. He admitted to have been defeated not once but at least three times in the NEC on this issue:

I do not always like decisions that are taken, but as long as we have a democratic party and can fight to change those decisions, I can do so ... I am prepared to go and to argue – if it ever gets to the referendum stage – as strongly as I possibly can on a Socialist basis to the Scottish working class movement why I think they should oppose this legislation being put into

²¹⁰ Ibid.

²¹¹ Robin Cook to George Lawson 9 November 1977.

²¹² Robin Cook to Michael Foot 9 November 1977.

²¹³ HC Deb, 14 November 1977 vol 939 cc156-157.

²¹⁴ Ibid., c161-162.

operation ... I fear that the people of Scotland, rather than voting on the legislation, might be asked to vote for James Callaghan, Prime Minister.²¹⁵

By the Second Reading Eric Heffer had not yet decided how to vote, because he had always argued in favour of the manifesto and believed in party loyalty, even when he strongly disagreed with party policy. He hoped, however, that there would not be a majority in favour of devolution in the referendum.²¹⁶ That the party leadership had wanted the devolution policy to be endorsed at the Conference in September 1976 to persuade reluctant MPs, particularly from the English regions, to vote for the Bill, was no secret. This strategy had been hinted at in the press as early as July that year.²¹⁷ Left-wing critics tended to insist strongly that conference resolutions were binding on the government – now the tables had turned.

Claiming The Will of the Scottish People

In his opening of the Second Reading the Secretary of State for Scotland stressed that the Government was acting according to the wish of “the Scottish people”, claiming that there was overwhelming evidence of Scottish people wanting more power of decision making in Scotland, and equally overwhelming evidence that they did not want separation and independence. This was repeated at the end of his speech, and again by other participants during the debate, but ironically enough this was regardless of which point of view they argued in favour of. Norman Buchan claimed that there was no overwhelming demand for devolution in Scotland.²¹⁸ He received few letters about it, and devolution was not a topic in public meetings, while unemployment and the economy most evidently were. He still believed that the question of devolution should be settled in Scotland, and not defeated in the House of Commons. He was, however, of the opinion that there had been a development of a “particularly nasty form of chauvinism”,²¹⁹ and there should therefore be a second question in the referendum where people could vote in favour of separation. Gordon Wilson from the SNP also claimed to know what the people really wanted, and argued that what the Scottish people asked for was a governmental organisation, backed by

²¹⁵ HC Deb, 14 November 1977 vol 939 c166-169.

²¹⁶ Ibid., cc169-170.

²¹⁷ George Jones, “Labour move to save Assembly” in *Scotsman* 19 July 1976.

²¹⁸ HC Deb, 14 November 1977 vol 939 c96.

²¹⁹ Ibid.

a democratic Parliament with full powers to control the Scottish economy.²²⁰ In Jim Sillars' opinion, if there was little excitement about the Bill in Scotland, that was not because there was little interest in devolution of power, but because the Government was not willing to devolve *enough* power.²²¹

Economy and Centralism

The Bill did not provide for devolution of economic or industrial powers, and there were no provisions for any independent revenue-raising powers. In his speech during the Second Reading, Millan explained that this was not because the Government opposed the granting of marginal tax powers as a matter of principle.²²² In the White Paper various tax powers had been discussed, but there were practical disadvantages with all of them. Millan himself was in favour of so-called marginal powers, these should only be marginal as the Assembly was going to be funded on an expenditure basis, rather than on a revenue basis. He preferred the demand for tax powers to be coming from the Assembly once it was elected. Robin Cook argued that they would create an Assembly which would have the right to spend public money without having to raise it – “power without responsibility”.²²³

Jim Sillars, now sitting from the SLP, attacked the Government for its “centralist imagination”, which had led to the proposal of an Assembly that had no direct influence on the Scottish economy, or on the management of the oil reserves. He accused them of placing their faith in central economic management, and complained (probably quite truthfully) that economic powers were no part of the Bill because the Government would not be able to deliver a majority for the Bill if this had been the case.²²⁴ Sillars also accused the Government of setting the unity of the United Kingdom first, “even if the price is that Scottish people continue with soul-destroying levels of unemployment and the poverty of mind and spirit which that condition carries with it”.²²⁵

²²⁰ Ibid., c116.

²²¹ Ibid., cc132-136.

²²² Ibid., c66.

²²³ Ibid., c158.

²²⁴ Ibid., cc133-134.

²²⁵ Ibid., c137.

The West Lothian Question

The fundamentals of the West-Lothian Question have been explained in chapter 4 (see p.36). These were the debates when it received its name, as Tam Dalyell, MP for West Lothian, repeatedly reminded the House of this paradox. To thoroughly illustrate it, he formulated an endless alliterative list of how a Scottish MP in the House of Commons would be able to vote on the issues of Birmingham but not Bathgate, West Bromwich but not West Lothian, Carlisle but not Cardiff, London but not Lerwick and Sheffield but not Scalloway etc., which was repeated throughout the debate.²²⁶ The Government's response was that this was indeed a problem, but not a sufficient reason for blocking devolution. According to James Naughtie, the debate on this issue enlivened the Bill's opponents because it was an eloquent statement of a situation they found offensive. To the pro-devolutionists it was an anomaly which they were prepared to live with. With neither faction being able to find a suitable solution to the problem, the debate on the West Lothian Question remained concerned with the principle of the thing, and whether such problems were symptomatic of the entire issue at hand. The controversial Ulster Unionist MP Enoch Powell was the one who gave the West Lothian Question its name, and being strongly against the idea of devolution he gave perhaps the most eloquent speech on the importance of the question:

The fact that the question has never been answered is the evidence that we are in this legislation attempting to do something which runs contrary to a principle established by common sense, by experience and by endless debate over decades, namely, that it is not possible within a unitary parliamentary State to devolve widespread legislative authority to an elective Assembly in one part of that State unless the State itself is to be resolved into a federation.²²⁷

The Amendments

The Government had conceded the demand for a referendum to get the Bill through Parliament. However, this shifted the focus of the battle on to the details of the referendum instead of the details of the devolution plans. The only serious defeat the Government suffered at committee stage was on the so-called 'Cunningham Amendment'. Weeks

²²⁶ HC Deb, 19 January 1977 vol 924 cc372-374.

²²⁷ HC Deb, 14 November 1977 vol 939 c86.

before the referendum debate, the Conservative MP George Gardiner warned that he and his fellow objectors would be looking very carefully at the question of what constituted a decisive majority in the referendum. To the great pleasure of the Tories, it was a Labour member who moved the new clause. Already during the first minutes of the Second Reading the Labour MP Douglas-Mann asked the Secretary of State for Scotland what would be a satisfactory vote in the referendum, and inquired whether he would accept an amendment to the Bill which would require a minimum number of people participating in the referendum, but it would be the Scottish Labour MP George Cunningham who finally tabled the amendment. He argued that it was only proper that the more people who stayed at home and did not vote at all, the larger the 'yes' majority should be required. He suggested that 40 per cent of the electorate in Scotland should declare positive support for the proposal, or the referendum would not bind Parliament to go ahead with devolution.²²⁸ It was hard for the pro-devolutionists to argue against the position that:

“if the Government are right, if the SNP is right and if the hon. Member for South Ayrshire (Mr. Sillars) for the SLP is right—that the people of Scotland overwhelmingly want devolution—there is no problem. If they overwhelmingly want devolution, far more than 40 per cent, will presumably vote for it. I am not asking that the overwhelming majority, or even that the majority, should vote for it, but only that 40 per cent, should be prepared to go out and vote for it.”²²⁹

Ironically, the amendment was put before the House on 25 January, Burns Night.²³⁰ First came a paving amendment by Douglas-Mann, proposing a 33⅓ per cent test, and when that was accepted the anti-devolutionists were confident they would win Cunningham's amendment. The amendment was backed by five Scots Labour MPs: Robin Cook, Peter Doig, Tam Dalyell, Bob Hughes and William Hamilton, indeed a strange alliance of left and right.²³¹ In total 35 Labour MPs voted in the commons for the Cunningham Amendment. A closer look at the voting record shows that while only five were Scottish and two were Welsh, the number of Labour MPs from the North of England was as high as twelve.²³²

²²⁸ HC Deb, 25 November 1977 vol 939 c1468.

²²⁹ HC Deb, 25 November 1977 vol 939 c1469.

²³⁰ The date of the “Burns Suppers”, commemorating the Scottish poet Robert Burns, a tradition since 1800. Includes ceremonial recitals of Burns' poems and the eating of haggis and other traditional Scottish fare.

²³¹ Wood, “Scottish Labour in Government and Opposition: 1964-79,” 125.

²³² HC Deb, 25 January 1977 vol 942 cc1543-1544

By a margin of minutes, the vote on the Cunningham amendment was over in time to table the amendment which promised that a commission should examine the position of Orkney and Shetland if they voted “no”, and get it passed by a majority of the House. A team from the Shetland Islands Council had been lobbying for such a solution. This was conceived as embarrassing to the SNP, who were accused of arguing for autonomy for Scotland while simultaneously opposing autonomy for the self-contained community of Shetland. There were questions about whether revenues from oil reserves outside Shetland would disappear for use in central Scotland, to which the Government’s somewhat exasperated answer was that because energy was not a devolved subject, the Assembly had no direct right to dispose of the revenue.²³³

The only other significant Government defeat was on an amendment from Tam Dalyell imposing a statutory three month gap between the referendum and any general election. For Dalyell and other Labour rebels the prospect of arguing against their Government, and then *for* it again the next week, was too much to be expected.²³⁴ The Scottish Labour MP John Macintosh tabled an amendment for tax-raising powers, but this fell with a 301-61 margin.²³⁵ The only clauses an alliance of the Conservatives, the Ulster Unionists and an assortment of Labour rebels, managed to remove from the Bill were clause 1, which declared the unending unity of the United Kingdom, and clause 40, which stated that the Assembly would “have regard” to national pay policy.

On 22 February 1978, exactly a year after the Scotland and Wales Guillotine Motion had fallen, the Scotland Bill received its Third Reading. The Scotland Act provided for the establishment of a Scottish Assembly elected by first past the post consisting of 145-150 members. The existing parliamentary constituencies would form the basis of the election system, with two or three members for each constituency. A separate Scottish Executive would be established, headed by a First Secretary chosen by the Assembly. There would still be need for a Secretary of State for Scotland, with oversight functions. Powers would be transferred for a broad range of subjects including health and social services (but not social security benefits), education, housing planning, transport (but not trains) and various Home Office functions relating to the courts, the legal profession, crime and the fire services. Most matters to do with local government would be devolved, including executive responsibility for the Scottish Development Agency and the Highlands

²³³ Naughtie, "The Scotland Bill in the House of Commons," 30.

²³⁴ Ibid., 31.

²³⁵ Ibid., 27.

and Islands Development Board. There would be no independent powers of taxation. Finance was to be derived from a non-statutory block grant. However, the Assembly would be responsible for distributing rate support grant to local authorities. Legislation was subject to judicial scrutiny by the Privy Council before the Royal Assent, and a post assent judicial review was also provided for.

The Labour Government had managed to get the Scotland Act into the statute books, but the price they had paid was the inclusion of a referendum, which was not only decisive (as opposed to merely advisory), but also had a 40 per cent minimum included in it. The Act the people of Scotland were to vote on had been significantly weakened during the parliamentary process, due to the opposition from within the Labour Party. Still, a Scottish Omnibus Survey ordered by the 'Scotland is British' campaign the following month showed support for the devolution Act at 45 per cent, with 34 per cent against.²³⁶ It was not without reason that the campaign worker who presented the figures to the campaign committee scribbled on the accompanying note "I do not think we should publish them".²³⁷ The party polls also indicated that people were satisfied with Labour's efforts, as the rest of the year monthly polls averaged Labour 50 per cent, Conservative 26 per cent, SNP 19 per cent and Liberals 4 per cent, with little variation.²³⁸ The future of the Scottish Assembly was now to be decided by the Scottish people, but almost a year would pass before their voices were heard. A lot would change during this period of time.

²³⁶ Scottish Omnibus Survey March 1978.

²³⁷ Oliver Thomson to the Committee of the 'Scotland is British' campaign 23 March 1978.

²³⁸ Miller, "The Scottish Dimension," 108.

6. BACKGROUND: NATIONALISM AND IDENTITY

Different Contexts, Different Definitions

In the plethora of theoretical contributions to the issues of nations and nationalism, the choice has been made to focus primarily on scholars with an association to Scotland, or at least Great Britain. Choosing a universally valid definition of nationalism poses an insurmountable problem, as all possible definitions are influenced by context: time, place, ideology etc. Benedict Anderson comments that the problem is even more profound if one groups nationalism as an ideology, together with other –isms such as ‘liberalism’ or ‘Marxism’, instead of along notions and concepts such as ‘religion’ or ‘kinship’.²³⁹ In his recent attempt at rethinking nationalism, the Scottish sociologist Jonathan Hearn starts off by dividing the students of nationalism into primordialists and modernists.²⁴⁰ Both traditions can be found amongst contemporary contributors to the debate on the Scottish nation. To the primordialists ethnicity is central, and thus nationalism is understood as a late development of an older process of ethnicity. Common descent, territorial belonging and a shared language are dominant themes.²⁴¹ Modernists generally argue that nations and nationalism arose somewhere between the sixteenth and the late eighteenth century, as the demands of industrial and capitalist economies generated relatively unified national identities. The spread of literacy and the standardisation of education contributed to mass culture as well as a national identity.²⁴²

Belonging to the latter school, Benedict Anderson and Ernst Gellner see the nation state as a product of the late eighteenth and early nineteenth century. Gellner describes nationalism as “primarily a political principle, which holds that the political and the national unit should be congruent”.²⁴³ He defines nationalism as a sentiment or movement in terms of this principle. Nationalist sentiment can be the feeling of anger aroused by the violation of the principle, or the feeling of satisfaction aroused by its fulfilment. This idea can be found in the principles of the Scottish National Party (SNP), which strives for a

²³⁹ Benedict Anderson, *Imagined Communities* (London: Verso, 1991), 5.

²⁴⁰ Jonathan Hearn, *Rethinking Nationalism. A Critical Introduction* (Basingstoke, Hampshire: Palgrave Macmillan, 2006), 7.

²⁴¹ *Ibid.*, 20.

²⁴² *Ibid.*, 67.

²⁴³ Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983), 1.

separate Scottish nation. Gellner also emphasises that “there is one particular form of the violation of the nationalist principle to which nationalist sentiment is quite particularly sensitive: if the rulers of the political unit belong to a nation other than that of the majority of the ruled”, something which can be kept in mind when we move on to the Thatcher years in chapter 8.²⁴⁴

Benedict Anderson has attempted to explain nationalism in terms of an “imagined community”. The community is imagined because the members of the nation never know most of their fellow members, yet they share the image of a community.²⁴⁵ People collectively associate with each other even though they may not know each other. Though the community is created in the mind it may be no less real and important than a community of people who know each other. The collective memories in such a community are important, and are often expressed in myths and common history etc. In distinguishing the nation from other imagined communities, Anderson stresses the existence of territorial limits and sovereignty embodied in a *state*.²⁴⁶ Neil Davidson also belongs to the group of modernists, and goes so far as to argue that there was no collective notion of Scottish identity before the Act of Union in 1707, but that the identity grew parallel to, and in opposition to, a British identity from this point in time onwards. The Scottish nationalism which arose in the late twentieth century was therefore, according to Davidson, an entirely new formation.²⁴⁷

There are among Scottish historians and writers on nationalism also scholars who have more sympathy with the historical position of nations as mediaeval realities and who argue that the present Scottish nation has evolved continuously out of primordial ethnic formations. A proponent of this position is Murray G. H. Pittock, who uncovers in early sources references to the Scottish nation, such as in Robert Bruce’s words to his army on the field of Bannockburn, or in “The Declaration of Arbroath” from 1320.²⁴⁸ This view of the Scottish nation and the Scottish people as a powerful historic reality greatly appeals to the SNP, and gives meaning to slogans such as ‘A nation once again’. This position is rejected by amongst others Neil Davidson, who dryly comments that “once a group decides

²⁴⁴ Ibid.

²⁴⁵ Anderson, *Imagined Communities*, 6.

²⁴⁶ Ibid., 7.

²⁴⁷ Davidson, *The Origins of Scottish Nationhood*, 4.

²⁴⁸ Murray G. H. Pittock, *Scottish Nationality* (Basingstoke, Hampshire: Palgrave, 2001), 2-3.

that it is a nation then it usually also discovers that it has always been one, or at least that it has been one since 1291, or perhaps 1320”.²⁴⁹

While Max Weber wrote that “a nation is a community [of culture] which normally tends to produce a state of its own”, and while both Anderson and Gellner emphasise the need for a territorial state corresponding with the borders of the nation, Neil Davidson suggests that national consciousness does not always involve the objective of attaining statehood.²⁵⁰ As everything takes place within a context, it is interesting to note that although disagreeing on many other aspects of nationalism, political ideology and nations, two of the most prominent Scottish writers on nationalism agree on the important division between nationalism and a national *consciousness*. Tom Nairn distinguishes between ‘Upper Case Nationalism’ and ‘lower case nationalism’, where the former would be for instance the ideology of the SNP, while the latter could be expressed as a pride in being Scottish, and wanting some measure of home rule.²⁵¹ Much of the same distinction is made by Neil Davidson, only that he sets *national consciousness* distinctly apart from related concepts such as nationalism and patriotism.²⁵² He reminds the reader that “historically, states have no more always embodied nations than nations have always sought to be embodied in states”.²⁵³ It is perfectly possible for people to develop national consciousness without subsequently becoming nationalists in a primarily ideological sense. It is thus feasible for instance for Scottish culture to flourish in the 1990s, without it being accompanied by an increase in the support for the SNP. When the heightened sense of Scottishness appears at certain times in modern history, it seems more often than not to be a response to a particular political conjuncture. A demand for a Scottish Parliament need not be an expression of nationalism in a strict ideological sense, but can be rather seen as an expression of a Scottish consciousness set in a context of economic recession, a democratic deficit etc.

National identity is a collective identity; it involves having a collective memory, shared experience and, most notably when discussing contemporary politics, a view of a collective future.²⁵⁴ A Scot may feel culturally Scottish, but this need not have any direct political or constitutional implications. The two identities of being Scottish and British may be complementary. In addition to their national identity people will have a more or

²⁴⁹ Davidson, *The Origins of Scottish Nationhood*, 11.

²⁵⁰ *Ibid.*, 13.

²⁵¹ Tom Nairn, *Faces of Nationalism. Janus Revisited* (London: Verso, 1997), 196.

²⁵² Davidson, *The Origins of Scottish Nationhood*, 15.

²⁵³ *Ibid.*, 3.

²⁵⁴ Bennie, Brand, and Mitchell, *How Scotland Votes. Scottish Parties and Elections*, 131.

less limited number of other identities, and these may strengthen or undermine the national one. Such identities are for instance class, religion, gender, sexual orientation, ethnicity and party identity. The latter is often regarded to be in decline, but can still be important to some people in certain contexts.

The issue of multiple identities is examined by the Nobel Prize winner Amartya Sen in his recent book on identity. Given our plural identities, we have to “decide on the relative importance of our different associations and affiliations in any particular context”.²⁵⁵ We have a choice in deciding what relative importance to attach to the various groups to which we belong, and we are all constantly making and remaking these choices, making priorities.²⁵⁶ Each of these group identities can give the person a sense of affiliation and loyalty. The importance of a particular identity will naturally depend on the social context. Also, not all identities need have durable importance. Whether a particular classification can plausibly generate a sense of identity or not must depend on social circumstances.²⁵⁷ Sen also distinguishes between ‘contrasting’ and ‘non-contrasting’ identities. Non-contrasting identities would be for instance citizenship, gender, race and profession, and these compete with each other for our attention and priorities. Even within contrasting identities it is possible to have plural identities, such as being both British and Scottish. This simply entails that a person with plural identities has to decide, in case of a conflict, on the relative importance of the different identities for the particular decision in question.²⁵⁸

The Scottish Context

While participants in the debate on devolution, both from the Labour Party and the Liberal Party, have made attempts at portraying devolution as simply a matter of moving power closer to the people and increasing democracy, Lindsay Paterson asserts that if the discussion of the Scottish Parliament “had only ever been conducted as an academic seminar on good government, it would have got nowhere. The emotional fuel on all sides

²⁵⁵ Amartya Sen, *Identity and Violence. The Illusion of Destiny* (New York: W. W. Norton 2006), xiii.

²⁵⁶ *Ibid.*, 5.

²⁵⁷ *Ibid.*, 26.

²⁵⁸ *Ibid.*, 29.

has come from some version of politicised national identity, verging on nationalism even among people who would disavow the word”.²⁵⁹

In the 1960s a significant shift seems to have taken place in Scotland, from emphasising British identity to emphasising Scottish. When looking for explanations for this shift, there are several factors that spring to mind. The British Empire had in the past been an important part of British identity, with Scots playing an important role in colonising India and Africa, both as part of the army and as part of the colonial administration. Following the Second World War, this empire crumbled. A war-torn Great Britain had to be rebuilt in many ways and never again assumed the role of the world’s leading power. The onset of the cold war with the US and the USSR as the two main combatants further emphasised the decline of Great Britain, so did the founding of the European Economic Community in 1957 without the United Kingdom as a member.

In his 1979 book on devolution, Vernon Bogdanor claimed that in Europe as a whole, pressure for devolution had been most evidently felt in those areas on the geographical peripheries of countries peopled by national minorities, such as Brittany, Alsace, Corsica, the Basque country, Catalonia, Scotland and Wales.²⁶⁰ He commented that it might well be that the grievances were felt equally strongly in areas which, lacking a distinctive ethnic tradition, also lacked nationalist parties which might give these grievances political clout. Neil Davidson is of the same opinion: because Scotland is a nation, opposition to the British government, declining economy etc. could take a form in Scotland which would not be possible for English regions.²⁶¹ According to Dilys M. Hill, it was not independence or separatism that drew support to the SNP in the late 1960s and the 1970s, but the party’s role as a pressure group for Scottish interests. The discovery of North Sea oil came to reinforce support for the SNP rather than causing it, and played no part in the Hamilton by-election campaign of 1967, or the 1970 general election. The October 1973 North Edinburgh by-election was the first time the SNP rallied behind the slogan “It’s oor oil!”, but from then onwards this focus may well have contributed to a certain pride and feeling of economic independence for Scotland.²⁶²

In their 1973 report, the Kilbrandon Commission writes of “the Scots – an intelligent and hard-working race of over five million people”, and in their study of the

²⁵⁹ Lindsay Paterson, "Introduction," in *A Diverse Assembly. The Debate on a Scottish Parliament*, ed. Lindsay Paterson (Edinburgh: Edinburgh University Press, 1998), 4.

²⁶⁰ Bogdanor, *Devolution*, 4.

²⁶¹ Davidson, *The Origins of Scottish Nationhood*, 1.

²⁶² Hill, "Devolution," 225.

national feeling in Great Britain they conclude that “if a group of people think of themselves as a separate nation than nothing more is needed to demonstrate the existence of that nation”.²⁶³ According to the Commission they had also found in Scottish people what they felt was ample evidence of the existence of this sense of nationhood. An Opinion Research Centre (ORC) survey in 1974 commented that although the feeling that Scotland was “particularly proud of its own culture and traditions” had declined somewhat in the past four years (from 93% to 81%), it was still the emphatic majority view. They also reported to have found a particularly strong current of feeling that Scotland was proud of its cultural identity, especially among supporters of the SNP and the Conservative Party.²⁶⁴

In the mid-to-late 1970s, the debate on nationalism in Scotland ran particularly strong to the left of the ideological spectre, a manifestation of which is the establishment of the break-out Scottish Labour Party (SLP). Tom Nairn, who throughout the last three decades has wandered far ideologically, was for a period of time a member of the SLP. In his writings from the mid-1970s, he tries to combine an anti-capitalist position with nationalism, while at the same time making a general case for the inadequacy of Marxism when studying nationalism. In *The Break-up of Britain* Nairn sees Scottish and Welsh national separatism as legitimate and serious forces arising out of the crisis of British capitalism.²⁶⁵ At the time, there were several Marxist liberation movements in Africa, Asia and South America to be inspired by, and draw parallels to, especially if one adopted the image of Scotland as an English semi-colony. For this reason, some Scottish radicals joined the SNP, both before the launching of the SLP and after its post-referendum demise. The prominent historian Eric Hobsbawm warned against this tendency at the time: “There is no reason to suppose a priori that Scots or Welsh revolutionary Marxists have a good chance of transforming the SNP or Plaid Cymru into some kind of Vietcong merely by offering their services and leadership to the nationalist cause”.²⁶⁶ Hobsbawm also rejected Nairn’s ideas, as he could not see any prospects for socialist progress in a break-up of the United Kingdom at the time. He also feared that the secession of Scotland and Wales would further encourage English nationalism, which could assume the shape of a semi-fascist right. For Scotland, he feared that the triumph of the SNP – “a classical petty-

²⁶³ *The Royal Commission on the Constitution 1969-1973*, 3;101.

²⁶⁴ Opinion Research Centre, *A Survey On: Attitudes to Devolution in Scotland (Carried out for the Scotsman)*, 13.

²⁶⁵ Tom Nairn, *The Break-up of Britain: Crisis and Neo-Nationalism* (London: New Left Books, 1977).

²⁶⁶ Eric Hobsbawm, "Socialism and Nationalism: Some Reflections on 'the Break-up of Britain' (1977)," in *Politics for a Rational Left. Political Writings 1977-1988* (London: Verso, 1989), 128.

bourgeois nationalist party of the provincial right” - could only be achieved on the ruins of the Labour Party.²⁶⁷

While prominent politicians on the left of the Labour Party in England, such as Tony Benn and Eric Heffer, were highly critical of the concept of devolution, a group of people on the Scottish left wing managed to find ideological reasons for supporting it. This meant that as the referendum campaign approached, there were people from the left, the Labour right, the Conservative Party and the SNP on both sides of the debate, making it increasingly difficult for the voters to choose between different identities, loyalties, party affiliations and social priorities.

²⁶⁷Ibid., 135.

7. THE REFERENDUM CAMPAIGN

The Battlefield

As we have seen in the previous chapters, the issue of devolution to Scotland had been debated in the political parties, and had fought its way through Parliament. Now the time had come for it to leave high politics and enter the arena of low politics. It was illustrated in chapter 5 how all the opponents in the devolution debate within the House of Commons claimed to know and act upon the will of the Scottish people. For the Labour Party leadership, the support for the SNP in the general elections of 1974 had certainly been a sign of a desire for devolution. William Miller has argued that this proved that the Scottish people really wanted devolution, and saw electoral support for the SNP as a way of achieving it. Monthly polls showed SNP support falling throughout 1975 but leaping to a peak of 37 per cent in December, apparently in response to the wide-spread criticism levelled at the White Paper on devolution. Then SNP support subsided till the summer of 1976, when it started flowing back to the SNP at the time when Dalyell and 70 Labour MPs published their letter threatening to vote against a Guillotine Motion on the devolution Bill. The second peak came right after the guillotine defeat on 22 February 1977. According to Miller, this shows how SNP support declined when Labour fulfilled its devolution promises and increased when Labour appeared to renege.²⁶⁸ Opinion polls had shown Scottish voters were two-to-one in favour of devolution during the mid-1970s. In spite of this, the 'yes' side failed to win a sufficient majority in the referendum held in March 1979. This chapter will take a closer look at the campaign, the groups, the press coverage and the main events, and try to analyse and understand why the 'yes' side failed. It will also examine the results of the referendum and the ultimate result – the fall of a government. But first, we will turn to the circumstances under which the campaign was conducted.

Both referenda were set to be held on 1 March 1979, St David's Day, as the Secretary of State for Wales had hoped that the compliment would strike a patriotic chord in Welsh hearts. The date had been announced on 1 November the previous year, and the reason for the date given was that the new and reasonably accurate electoral register would

²⁶⁸ Miller, "The Scottish Dimension," 100.

be published in mid-February. In 1978 the tide of nationalism had looked as if it was turning, in Scotland Labour won three by-elections, and the results were matched by a strong Labour performance in the regional elections, a blow to the SNP who took only 20.9 per cent of the vote to Labour's 40 per cent.²⁶⁹ The *Guardian* aptly summarised the mood when in retrospect it wrote that:

last autumn [1978] it seemed a good idea for Labour in Scotland, still rising spectacularly high in Scottish opinion polls after two noticeable by-election successes, to capitalise on Mr Callaghan's apparent popularity and base its whole publicity drive around a picture of the Prime Minister exhorting people to vote Yes. Yet by January the referendum seemed to many voters an irrelevant exercise as industrial unrest dominated the front pages and the television screens.²⁷⁰

What the *Guardian* referred to, were the widespread strikes that hit the Labour Government during its last winter in power. In 1971 a Social Contract had been set up between the Trades Union Congress (TUC) and the Labour Party. James Callaghan guaranteed that the next Labour Government would repeal Heath's Industrial Relations Act, and proposed a permanent dialogue and a joint policy. As Callaghan himself put it, "by it, the trade unions acknowledged that they had a wider loyalty to the community and were not simply seeking to increase their member's wages irrespective of the consequences. The Labour Party in return undertook to consult the unions about social priorities and policies".²⁷¹ It was hoped that this would prevent the repetition of the industrial conflicts suffered by previous Labour Governments. A Labour-TUC Liaison Committee was established in 1972, and as the agreement between Labour and the TUC received a fair share of publicity during the February 1974 election campaign, the election victory was regarded as an endorsement of this Social Contract.²⁷² In addition the 1974 Labour manifesto was distinctly radical, proposing an extension of public ownership, nationalisation and a shift in the balance of power and wealth in favour of the working class. Britain was facing an economic disaster at the time, with heavy inflation peaking at 26.7 per cent in 1975, and the unions agreed to a so-called voluntary pay restraint in both

²⁶⁹ Wood, "Scottish Labour in Government and Opposition: 1964-79," 126.

²⁷⁰ *Guardian* 5 March 1979, 13.

²⁷¹ Callaghan, *Time and Chance*, 417.

²⁷² Vernon Bogdanor, "1974 the Crisis of Old Labour," in *New Labour, Old Labour. The Wilson and Callaghan Governments 1974-79*, ed. Kevin Hickson and Anthony Seldon (London: Routledge, 2004), 11.

1975 and 1976.²⁷³ In the third phase of the incomes policy, announced in July 1977, there was to be a gradual return to open collective bargaining. This was accepted by the TUC after long negotiations. In spite of the previous agreements, the Government introduced a White Paper in July 1978 which set out a guideline for pay rises at five per cent, without consulting the unions. By this time the annual inflation had declined to below ten per cent. The TUC voted overwhelmingly to reject the limit and insisted on a return to open collective bargaining.²⁷⁴ In September 1978 Callaghan unexpectedly announced that he would not be calling a general election that autumn, but hoped to survive the winter with the continued pay restraint, improving the economy before a spring election.

The strikes started with Ford, a company which could well afford a pay rise after a profitable year, but as a major government contractor the company had to follow the five per cent guidelines. Workers from the TGWU started their strike in September, making it official from October. Strikes and pay rise demands spread to other areas of the private sector, and eventually to the public sector unions, which were becoming increasingly concerned with keeping pace in terms of pay, especially for those in the lowest income bracket. The most significant strike was that of the refuse collectors, causing waste to pile high in London and other larger towns. The most notorious one which attracted undesired publicity was the Liverpool and Tameside gravediggers. Also, ambulance staff and hospital ancillary workers were on strike. When settlements were reached in February a total of 29,474,000 working days had been lost.²⁷⁵ In the middle of this situation, the Labour Party was supposed to fight referendum campaigns in Scotland and Wales. In addition to the problems of the Government drawing attention away from the devolution issue in the media, it was hard for the campaigners to make devolution seem like an important issue, compared to pay rises, strikes and social welfare. The way the Government had handled the strikes did nothing to increase their credibility, which influenced how people regarded the policies they promoted, such as devolution. It was not a good starting point for a referendum campaign.

²⁷³ Robert Taylor, "The Rise and Fall of the Social Contract," in *New Labour, Old Labour. The Wilson and Callaghan Governments 1974-79*, ed. Kevin Hickson and Anthony Seldon (London: Routledge, 2004), 87-88.

²⁷⁴ David Boothroyd, *The Winter of Discontent* (Wikipedia, The Free Encyclopedia 2006); available from http://en.wikipedia.org/wiki/Winter_of_discontent.

²⁷⁵ Ibid.

The Combatants

When compared to the referendum on the EEC membership in 1975, one of the most striking differences was that in 1975 there had been a clear demarcation line between two sides offering a clear-cut choice, whereas in 1979 there were at least six different groups or parties arguing for a 'yes' or 'no' in the Scottish referendum. Especially on the 'yes' side there were several different groups, each envisioning a different post-referendum Scotland, and therefore finding it hard to work together.

Each of the two main cross-party groups went to great lengths to display the breadth of support they enjoyed, resulting in very large national committees. Starting with the pro-devolutionists, the 'Yes for Scotland' (YFS) campaign was launched on 26 January 1978, and the intention was to create an all-party campaign cutting across party affiliations. The Chairman was the Right Hon. Lord Kilbrandon, who had chaired the Royal Commission on the Constitution. Among the members of the Committee were two MPs, namely Jim Sillars of the SLP and George Reid from the SNP. There were several Scottish professors, including a member of the Labour Party, and a number of prominent Moderators or former Moderators of the Church of Scotland. Alex Kitson represented the trade unions, and there were also four businessmen and bankers, including a member of the Conservative Party. The actor Seán Connery also served on the Committee.²⁷⁶ There were only three women of a total of 39, including Margo MacDonald as one of three Vice-Chairmen [sic].²⁷⁷

As early as November 1977 the Scottish Executive of the Labour Party decided to go it alone in campaigning for a 'yes' vote in the referendum, and this was endorsed by the Scottish Conference in March 1978. Subsequently, the 'Labour Movement Yes Campaign' (LMY) was formed. In a letter to the Labour Party constituencies, sent out the day following the launch and signed by the Scottish Secretary Helen Liddell, the Scottish Council reasserted the decision to campaign for a 'yes' only with the STUC and the Co-operative Party (the political wing of the Cooperative movement, a sponsor of Labour MPs), and no other parties or groups. The reasons given was that the Labour Party was the only party which believed in devolution for its own sake, not as a stepping stone to

²⁷⁶ Allan Macartney, "The Protagonists," in *The Referendum Experience, Scotland 1979*, ed. John Bochel, David Denver, and Allan Macartney (Aberdeen: Aberdeen University Press, 1981), 26.

²⁷⁷ *Ibid.*, 27.

separation (such as the SNP), or really preferred a federal solution (such as the Liberals). Also, the achievement of an Assembly for Scotland would be Labour's, and they did not want to share the credit. The third reason was purely tactical – “to associate with the separatists would be to provide our opponents with a major propaganda weapon”.²⁷⁸ At a press conference Liddell went further, and when asked whether Labour would campaign for a ‘yes’ alongside the SNP replied: “We will not soil our hands with the likes of them!”.²⁷⁹ According to Frances Wood, there were also Labour members who threatened to campaign publicly against Labour policy if Labour joined the main ‘yes’ umbrella.²⁸⁰ Harry Ewing, Under-Secretary of State for Scotland, confessed at a Labour Party Press Conference in Glasgow on 23 February that he found the SNP's support for the Government devolution plans a source of embarrassment and annoyance. They had jumped on the devolution bandwagon, he said, when they should have openly admitted that it was not devolution they wanted, but separation.²⁸¹

In late November 1978 two MPs announced the formation of a third group to campaign for a ‘yes’ vote, called the Alliance for an Assembly (AFA). These were the Conservative Alick Buchanan-Smith and the Liberal Russell Johnston. They wanted to demonstrate their support for devolution, but were unwilling to cooperate with the SNP, and were soon joined by James Milne, the General Secretary of the STUC, and by Donald Dewar, Labour MP. The AFA never tried to set up any local organisation, but served as a platform for Buchanan-Smith, from which he could campaign to get Conservatives to vote yes.²⁸² Their most visible contribution was an eve-of-poll statement declaring “We want you to vote Yes”.²⁸³

Moving over to the anti-devolutionists, the ‘Scotland is British’ campaign had been formed in 1976 (see p.44). George Lawson described its purpose as: “...to develop a campaign among Scots emphasising our common nationhood with the rest of the people of Britain and seeking support in persuading Parliament and Government that the Devolution Bill endangers that common British nationhood and should be withdrawn”.²⁸⁴ When the main anti-devolution umbrella campaign ‘Scotland Says No’ (SSN) was launched on 30 November 1978, this was really a re-launch of the ‘Scotland is British’ campaign. Some

²⁷⁸ Ibid., 17.

²⁷⁹ Neal Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns* (Aberystwyth: National Library of Wales, 1999), 13.

²⁸⁰ Wood, “Scottish Labour in Government and Opposition: 1964-79,” 127.

²⁸¹ *Scotsman* 24 February 1979, 4.

²⁸² Macartney, “The Protagonists,” 16.

²⁸³ *Scotsman* 1 March 1979, 1.

²⁸⁴ George M. Lawson, [1977].

Labour members continued to prefer this cross-party group, and served as members on its national committee, such as Dick Buchanan, MP, the former MP William Hannan, three Labour Party members active at local level, and Donald McGregor who was the UCATT Secretary. Several businessmen and industrialists were present on the committee, as well as two Conservative MPs. There were three women on the committee, of a total of 32. Lord Wilson of Langside, the former Labour Lord Advocate, and The Very Rev. Dr Andrew Herron, former Moderator of the Church of Scotland, were joint Chairmen. The SSN was well organised. It quickly raised money (mostly from private companies), produced leaflets, booked advertising space in both local and national newspapers and organised local groups. Companies helped to distribute material, such as the Clydesdale Bank which provided all its branch managers with copies. Other firms went so far as to put leaflets in their pay-packets. Throughout the campaign the SSN consistently argued that it was not in the business of offering alternatives, and did not have to do so because it was not a political organisation.²⁸⁵ In this way it could argue against the Assembly without needing to force its varied membership into agreement on what the alternatives ought to be. The Conservative Party decided at a conference early in 1979 not to campaign on its own, but as a part of the SSN, making it possible for the few party members in favour of devolution to campaign through one of the cross-party 'yes' campaign groups. Very little party money was spent on the campaign, and the contribution of the party machine, Edinburgh Central Office staff and local agents was muted.²⁸⁶

The decision to hold a referendum allowed the anti-devolutionists within the Labour Party to campaign openly against Government and party policy. The Scottish Executive decided to give official backing to the 'yes' campaign, but that did not stop the anti-devolutionists from launching their own campaign. There had been an attempt in 1976 at forming a Labour 'Scrap the Assembly Committee' with its basis in the Glasgow area, but nothing much had come of it. It had produced a couple of leaflets and letters to the editor of various newspapers, and was chaired by a local councillor. After the date of the referendum had been made official, the 'Labour Vote No' (LVN) campaign was launched on 27 November 1978. Brian Wilson was Chairman, with Tam Dalyell, Robin Cook and Danny Crawford serving as Vice-Chairmen. It did not formally co-operate with the SSN campaign, but there was not as much rivalry between the 'no' groups as there was on the

²⁸⁵ *Guardian* 19 February 1979, 2.

²⁸⁶ Ray Perman, "The Devolution Referendum Campaign of 1979," in *The Scottish Government Yearbook 1980*, ed. Henry Matthew Drucker and N.L. Drucker (Edinburgh: Paul Harris Publishing, 1979), 58.

‘yes’ side. Although its members desired different political futures for Scotland, this was not as striking as the extremely different scenarios the ‘yes’ organisations worked towards. Thus it was possible for instance for Robin Cook to appear on a SSN platform.²⁸⁷ The LVN cut across traditional left/right borders, and could name the traditional Tribune leftist Norman Buchan as one of its active members. At the 1978 Scottish Conference the Labour anti-devolutionists tabled an amendment to ban the use of party funds in the referendum campaign, but were heavily defeated.²⁸⁸

The SNP and Devolution

In order to understand the Scottish National Party’s role in the referendum campaign, it is necessary to briefly review the recent history of the Party and its policy on devolution. A paper submitted to the Party’s national assembly in 1971 argued that the electorate would always support the status quo if the only alternative choice was a completely separate state, and concluded that therefore the SNP should support devolution. This position was not very popular at the time, and when the SNP National Assembly met in January 1973 it decided that the party should disassociate itself from the devolution plans as put forward by the Conservative Party.²⁸⁹ This changed with the general election in February 1974, as it led to the creation of a sizeable parliamentary group for the SNP and a Labour minority government which was going to propose devolution. The first response by the SNP was to put forward several demands as the price of SNP support, including control of economic expansion, oil and fish for the new Assembly. Independent international representation for Scotland was also suggested, but this was far beyond anything that was realistic for the Government to implement. The October elections showed increased support for the SNP, and polls displayed extended support for a Scottish Assembly. Thus, at the annual conference in May 1975 a resolution which stated that “the SNP will participate fully in any Scottish Assembly which is democratically elected...[while working]...vigorously to extend the assembly’s powers until it becomes a real Scottish parliament” was accepted by an overwhelming majority.²⁹⁰ This was a major shift of policy on two levels, both that the SNP now supported a democratically elected Assembly without any demands regarding its

²⁸⁷ Ibid., 57.

²⁸⁸ Bleiman and Keating, *Labour and Scottish Nationalism*, 187.

²⁸⁹ Levy, "The Search for a Rational Strategy: The Scottish National Party and Devolution 1974-79," 241.

²⁹⁰ Ibid., 242.

powers, and that there was now a commitment to an evolutionary strategy which would transform the Assembly by stages. In spite of this, the SNP reaction to the 1975 White Paper was that it had failed to give the Assembly sufficient powers. At a local government by-election in February 1976, the SNP launched a new pamphlet titled *Independence Means...* and increased its majority six-fold. Shortly after this a SNP Press release predicted that Scottish independence would be achieved at the next general election.²⁹¹ Devolution looked less attractive to Party members when compared to full independence, and the 1976 Annual Conference passed a resolution which was merely lukewarm towards devolution, emphasising that nothing less than independence was the goal, and devolution merely was a stepping stone.²⁹² In February 1977 an ORC Poll published in the *Scotsman* showed a decline in the support for strong devolution, and only a minority of SNP voters now favoured independence. In spite of this, only a few days later the SNP tabled an amendment to the Scotland and Wales Bill to include a demand for an independence referendum.²⁹³

After the fall of the Scotland and Wales Bill in February 1977 there was a renewed drift away from devolution, and the SNP parliamentary group simply refused to meet with the Government to discuss the issue, and declared that they should not count on SNP support in exchange for a new devolution bill. In the view of Roger Levy, the parliamentary group by this manoeuvre put itself into the absurd position of supporting a new bill, but at the same time seeking to bring the Government down.²⁹⁴ When the Scotland Bill came before the House the following November, the SNP MPs tabled amendments regardless of their failure or their effect in slowing down the passage of the Bill. At the meeting of the National Council in June 1978 a resolution was tabled calling upon the SNP to “campaign for a ‘No’ vote in the devolution referendum and reaffirm the slogan ‘Independence – nothing less’”. An amendment substituting the word ‘No’ for ‘Yes’ was carried, in spite of the oxymoron it created.²⁹⁵

Popular support for the SNP was now at its lowest in four years, and the party was losing members on a daily basis. Some members had already resigned in protest after the 1977 decision to accept the plans for an Assembly. An Aberdeenshire member wrote:

²⁹¹ Ibid., 243.

²⁹² Ibid., 244.

²⁹³ Ibid.

²⁹⁴ Ibid., 245.

²⁹⁵ Ibid., 246.

I never thought that the SNP would betray the hard work and trust that so many True Scots have put into the party by accepting willy nilly any tit bit that YOUR LONDON MASTERS throw you and yes you are indeed slaves to london if you think that a Assembly will in the end bring Scotland full Independence I would have thought that the party would have learned it's leasion by now that you cant make deals with unionist partys but no you make the same mistakes that Irland made.²⁹⁶

A local branch also wrote to ask if they really could use party funds campaigning for a 'yes' if the majority of the members in the branch were opposed to the Assembly.²⁹⁷ In spite of the impressive efforts the SNP managed to muster in by-election campaigns, there was remarkably little energy spent on the referendum campaign.²⁹⁸ Still, there were some true nationalists who argued in favour of a 'yes'; in a letter to the editor of the *Scotsman*, a Scottish nationalist who was opposed to devolution but in favour of independence, argued that although devolution might delay independence with ten years it would mean that when it one day came the transition would be smoother, and more people would have had the experience of legislation and administration at a national instead of local level.²⁹⁹ Although there was internal disagreement on the strategy to achieve it, the SNP members agreed on the ultimate goal – independence. This made the official pro-devolution stand an embarrassment to the Labour Party, and made it difficult for them to project devolution as a way of keeping the kingdom united.

The Press

In order to get a glimpse of the press coverage in the weeks prior to the referendum, as well as the following week a decision was made to study one Scottish and one English newspaper (see p.4). The general impression of the *Scotsman* in this period is that it attempted to give a balanced news coverage of the devolution debate. For instance, the paper's readers were encouraged to submit their questions about devolution, and from 26 February onwards the paper tried to answer these questions in a seemingly unbiased manner. As the referendum date drew closer, the editorials became more forceful and more slanted. On 22 February the paper carried an editorial titled "The case against No",

²⁹⁶ Neil Gordon to the SNP, 6 December 1977. Quoted without corrections.

²⁹⁷ SNP Letters 1975-1985.

²⁹⁸ *Scotsman* 28 February 1979, 13.

²⁹⁹ Hamish Cameron, letter to the editor, *The Scotsman* 1 March 1979, 12.

followed the next day by one titled “Why we must vote Yes”. The first one was an attack on the No-side, and a response to many of their arguments against the Assembly: “The break-up of Britain is hypothetical and improbable; the malfunctioning of the centralized, cluttered Westminster system of government is not hypothetical at all.”³⁰⁰

Although strongly pro-devolution, the *Scotsman* was definitely not pro-Labour. The Scotland Act was criticised on many levels, and the editorials argued for instance in favour of a cut in the number of Scottish MPs in Westminster, in spite of the implications this would have for a Labour government. The 22 February editorial was criticised by the ‘Scotland Says No’ campaign for not giving a fair presentation, but it was added that although they strongly disagreed so often with the editorial position of the *Scotsman*, it had always been willing to open its columns to letters giving the ‘no’ side of the case. The next editorial was more sober, reminding the readers that the Assembly in itself would not solve anything, but was an instrument which might be useful and a great opportunity which should not be missed. The main argument applied was that the United Kingdom, and not only Scotland, faced an urgent need for a constitutional renewal. The “close and cousinly” links with English, the affection for them, the respect for their culture and the degree of domestic, social and economic intercourse between Scotland and England “make separatism ... unthinkable”.³⁰¹ The Assembly was viewed as a way of keeping the union together, and fears were expressed that if the opportunity was lost this time, there would be a new Conservative government, leading to a new surge of nationalism and support for the SNP: “The devolution option will have been lost and independence will be the only item on the agenda.”³⁰² Thus, there hardly seemed to be any nationalist sentiment in their argumentation, and definitively no flirting with the SNP. The closest it got was when the paper was lamenting that “the lack of national democratic institutions has grievously sapped Scottish self-belief. Standardising forces have eroded the external signs of our nationhood, speech, custom and dress, and left us confused and adrift”.³⁰³

On 1 March the *Scotsman*’s editorial titled “Moment of decision” (placed on the front page for the occasion) hoped for a high turnout, and repeated that abstention would be counted as a ‘no’ vote. It stressed that a ‘no’ victory could lead to a dangerous polarisation between independence and unionism, and that there probably would not be another occasion to change this for a long time to come, as it only was with great

³⁰⁰ *Scotsman* 22 February 1979, 14.

³⁰¹ *Scotsman* 23 February 1979, 12.

³⁰² Ibid.

³⁰³ Ibid.

reluctance that “Parliament underwent the boredom of debating devolution Bills in two sessions”.³⁰⁴ According to Michael Brown, many journalists on the *Scotsman* were plainly attracted to the idea of a Parliament in Edinburgh, as the prestige it would have brought to the capital city would have elevated the resident press.³⁰⁵ Several of the journalists were politically active and involved in the devolution campaign.

Turning to the English newspaper, the *Guardian*, being a UK national daily, had a considerably slimmer coverage of the devolution issue than the *Scotsman*. The devolution coverage was for obvious reasons divided between Wales and Scotland, and the view was more distanced. The *Guardian* was not an active participant in the campaign, and it did not write as if it was trying to convince its readers one way or the other, rather as if its readers were all English and without a vote. The somewhat elitist coverage concentrated more on the ministers in London and their opinions on the issue than on people in Scotland or Wales. From quite an early stage onwards, however, the *Guardian* seemed to understand the mood in Scotland:

The taste for devolution ... is still there: it is the precise details of what the Government is offering that are causing the trouble ... A majority of Scots back devolution; but among that majority there are many who are justifiably apprehensive about the implications of the package they are being asked to swallow – or reject – as a whole.³⁰⁶

Devolution was the main theme of five *Guardian* editorials within the studied time span, which is more than one would expect on the basis of the space allocated to the subject in the news section. The small number of letters to the editor about devolution could be a result of limited editorial interest, or it could be because Scots wrote to Scottish papers and the English were not all that interested. The editorial opinion was one of a grudging ‘yes’, emphasising the importance of the SNP’s continued support for the Government, and how the Government had let this guide their actions. In its editorial the day before the referendum they chose to list the many faults of the campaign: The 40 per cent rule blighted it from the start. The failure to form umbrella organisations made the campaign scrappy and confusing. The arguments of hope had been swamped by the arguments of fear. In spite of this, the editorial argued that the disadvantages of having such a centralised

³⁰⁴ *Scotsman* 1 March 1979, 1.

³⁰⁵ Michael Brown, “The Scottish Morning Press,” in *The Referendum Experience, Scotland 1979*, ed. John Bochel, David Denver, and Allan Macartney (Aberdeen: Aberdeen University Press, 1981), 111.

³⁰⁶ *Guardian* 22 February 1979, 14.

system of government would eventually lead to the case for greater self-determination rising again, perhaps in a sharper form. “That is why the Scotland Act, despite the many (and often justified) batterings it has taken, still seems a chance worth taking.”³⁰⁷

The Campaign Weeks

While most of the campaign activities began in January, the Labour Movement decided to wait until the second week in February and instead conduct a short campaign (or a Blitzkrieg) of general election length. This was probably a grand tactical blunder, as it gave the ‘Scotland Say No’ group an opportunity to put their arguments first and stake out the ground for the campaign.³⁰⁸ During the campaign Labour distributed one million leaflets and 1,000 posters, held four big rallies and countless smaller meetings, with the Prime Minister and seven other Cabinet ministers as speakers. With Labour lacking a majority in the House of Commons, however, it was difficult for Ministers or MPs to go to Scotland to campaign while Parliament was sitting, and they had to divide their time between Scotland and Wales.³⁰⁹

According to Neal Ascherson, who covered the referendum campaign as a travelling reporter for the *Scotsman*, there was a feeling amongst the Scottish Labour’s rank and file that devolution would play into the hands of the SNP and open an ever-spiralling auction of nationalism which Labour could never win.³¹⁰ In addition there was the resentment of the pressure put on Scottish Labour by the London Party Headquarters, and the fear that the Assembly on offer, with its slight economic powers, would be a disappointment. The Liberals reluctantly supported the Bill, as they in principle favoured a federal solution, while the Tories were split, with the majority opposed to the Assembly, and as previously described there were disagreements within the SNP. Thus, by the end of 1978 no party was united in favour of the Scotland Bill as it stood, with the exception of the tiny SLP.

The support for devolution varied according to gender, class and region. In his 1977 book on devolution Dalyell lists ‘women’ as one of the pressure groups for a Scottish Assembly. When trying to explain why this could be the case, he suggests that it might be

³⁰⁷ *Guardian* 28 February 1979, 14.

³⁰⁸ Perman, "The Devolution Referendum Campaign of 1979," 58.

³⁰⁹ Elizabeth Thomas to Helen Liddell, 19 December 1978.

³¹⁰ Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns*, 3.

because “...some women tend to be more emotional about their politics than men - and Scottish nationalism has an extremely romantic aura about it, if only for ‘cultural’ reasons. For example, they have been astute enough to capitalise on the cultural traditions of Scotland, and they have produced some very attractive silver jewellery in the old Scottish style”.³¹¹ It is however, hard to find traces of this “pressure group”, whatever its motives might have been. With two or three exceptions, Scottish women were remarkably absent from the campaign, along with any gender perspective. Even the ‘Scottish Convention of Women’ were largely invisible. The ‘Women’s Aid’ admitted “we didn’t think to organise politically”.³¹² Only the Edinburgh group of the ‘National Campaign for Legal and Financial Independence for Women’ printed their own leaflet. Members from this group also prepared a research paper for the ‘Scottish Council of Fabian Societies’, *Women and the Scottish Assembly*. Concentrating on the legal aspects of, for instance, rape and divorce, and important subjects such as child care, it failed to make it clear why a Scottish Assembly would be needed for the implementation of the proposals and demands.³¹³

Public Opinion

In February 1977, about 66 per cent of the electorate said they would vote ‘yes’ to the Government’s referendum question, which would have allowed the advocates of devolution to clear the subsequently imposed 40 per cent hurdle by a comfortable margin.³¹⁴ An ORC Poll for the *Scotsman* based on interviews conducted in the second week of February 1979, showed a fall of 17 percentage points. At that time 49 per cent said they would vote ‘yes’, 33 per cent would vote ‘no’ and 13 per cent had not yet decided. Only four per cent had decided not to vote. As seen in Figure B, all the parties except the SNP had large voter groups in both camps. Only 58 per cent were certain they would vote, an additional 16 per cent were fairly certain. Ordinarily this would have been enough to secure a victory for the ‘yes’ side, but because of the 40 per cent rule it instead implied that it would be a close race, while the campaign for a high turn-out had to be a priority for the pro-devolutionists.

³¹¹ Dalyell, *Devolution the End of Britain?*, 224.

³¹² Julie Davidson: “Time of Political Reckoning for the Modern Ma Broon” in *Scotsman* 19 February 1979, 9.

³¹³ Carol Craig and Sheila Gilmore, *Women and the Scottish Assembly, Scottish Fabian Research Paper 2* (Glasgow: Scottish Council of Fabian Societies, 1979).

³¹⁴ *Scotsman* 16 February 1979, 1.

During the campaign, the ‘yes’ majority was steadily whittled away. MORI polls (which only showed ‘yes’/‘no’, not ‘undecided’) from the last three weeks of February showed the ‘yes’ majority at 64 per cent, then 60 per cent, and by the end of the month only 50 per cent. The System Three polls showed the same trend.³¹⁵

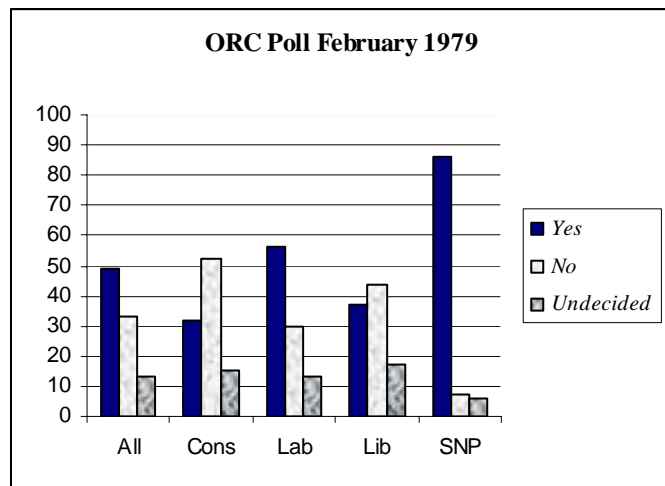


Figure B. Source: *Scotsman*, 16 February 1979

The level of enthusiasm for the Assembly was not high among the Labour voters. According to the February ORC Poll, when Labour voters were asked “If there is a Scottish Assembly, what difference do you think it will make to the way things are in Scotland?” only 16 per cent believed Scotland would be “a lot better off”, 34 per cent believed Scotland would be “a little better off”, 28 per cent opted for “neither better nor worse”, whilst 17 per cent thought Scotland would be worse off with an Assembly.³¹⁶ If the Act failed, 60 per cent thought that the Government should come up with new plans (59 per cent of the Labour voters, 84 per cent of the SNP voters).³¹⁷ On referendum day the *Scottish Daily Express* printed a MORI opinion poll showing exactly equal support for the ‘yes’ and ‘no’ camps with 38 per cent each and the remaining 24 per cent undecided, a very high number so late in the campaign. The results of an earlier poll, held back to be published at the same time, showed a swing to the ‘no’ side by 10 percentage points during the last week of the campaign.³¹⁸

Anti-devolution Labour

As shown above, the Labour voters were increasingly unenthusiastic about devolution, and they were not alone. While the official campaign directed from St Andrew’s House (with London reinforcements) was in favour of a Scottish Assembly, the resistance was still strong at grass roots level. In January 1979 Helen Liddell of the SCLP reported to the

³¹⁵ John Bochel and David Denver, “The Outcome,” in *The Referendum Experience*, ed. John Bochel, David Denver, and Allan Macartney (Aberdeen: Aberdeen University Press, 1981), 143.

³¹⁶ *Scotsman* 19 February 1979, 9.

³¹⁷ *Scotsman* 20 February 1979, 1.

³¹⁸ *Scotsman* 1 March 1979, 8.

Scotsman that she had asked all the Labour constituencies to set up official ‘yes’ committees and that all but five had agreed to do so. Nevertheless, in the end only 36 came to have fairly active campaign committees. While no Labour constituency parties officially backed the ‘no’ campaign, seven had not reached a decision by January and 20 had decided not to set up any official campaigns.³¹⁹ In Kilsyth, the largest town in the West Stirlingshire constituency, the Labour party advised its MP not to campaign for a Yes-vote, as the branch was unanimous in opposing the Assembly.³²⁰

Several regional and district councils debated the devolution issue after motions were put forward by SNP representatives, calling on them to urge electors to vote ‘yes’ in the referendum. In the Central Region the motion was rejected after it had been argued against by the convener of the region, a Labour councillor who expressed the view that:

[T]he fact that committees within the Assembly will be set up to deal with education, social work, housing etc. spells real danger for the future of local government. ... If you start administering, say, education and social work in Inverness, Aberdeen or Stirling from Edinburgh, then this is not devolution, but anti-devolution.³²¹

In the West Lothian District Council the SNP motion won by one vote against the votes of six Labour councillors. The seventh Labour councillor, who was in favour of the Assembly, was reported to be “in the bathroom” during the whole of the discussion and subsequent vote.³²² This suggests that in spite of the official pro-devolution policy there was a certain anti-assembly pressure on local Labour councillors and activists in some areas.

Perhaps the main challenge for the LVN was to convince Labour voters that they would not be betraying the Party by voting ‘no’. Tam Dalyell from LVN and Jim Sillars from YFS paired up and went on a travelling debate, with fifteen performances through Scotland. Though Sillars was an excellent debater he was also a notorious defector from the party. By appearing against him Dalyell looked less of a rebel than he was; after all, Dalyell was still a Labour MP and a Labour Party member. Sillars respected Dalyell for keeping to his principles: “I have a greater admiration for him because of the depth of his belief than I do for some of the MPs who I know will vote No while pretending they want

³¹⁹ Wood, "Scottish Labour in Government and Opposition: 1964-79," 127.

³²⁰ *Scotsman* 15 February 1979, 6.

³²¹ *Ibid.*

³²² *Scotsman* 27 February 1979, 11.

a Yes vote”.³²³ During one of the public meetings Sillars managed to get Dalyell to admit that he did not believe there was such a thing as a “Scottish nation”, and that this was the basis for his opposition to a Scottish Assembly. Dalyell on his side claimed that as the debate progressed, Sillars’ arguments for home rule had become “inseparable” from those of the SNP.³²⁴

While having played an important part in the early stages of Labour’s policy change regarding devolution, the Scottish trade unions were not particularly visible in the campaign. At a press conference on 23 February Danny Crawford of the UCATT Executive claimed that four out of five full-time union officials in Scotland would be voting ‘no’. He declared that the trade union movement at shop-floor level continued to show their apathy, and were not interested in the issue.³²⁵

The Main Issues of the Campaign

The Party Broadcasts

One of the first major events in the campaign strikingly revealed both the Labour split and the internal disagreement on the ‘yes’ side. The ‘Labour Vote No’ campaign committee issued a petition for interim interdict against the Independent Broadcasting Authority. The reason for this move was that as usual before an election, there was to be political broadcasts for the different parties. The SNP, Liberals, Labour and Conservative Party had been assigned a time, but the problem was that out of these four, three would be in favour of devolution. The LVN sought parity of broadcasting time and treatment for the ‘yes’ and ‘no’ campaigners, and claimed the IBA would be in breach of their statutory duty to maintain a proper balance.³²⁶ On 16 February Lord Ross in the Court of Session banned all four party political broadcasts. This would not prevent the IBA from broadcasting other political programmes on the referendum provided they maintained a proper balance. All four programmes were scheduled to be shown on the same dates on all BBC channels, and although there were no proceedings against the BBC, they too cancelled the broadcasts. It was suggested that there could be broadcasts for the ‘yes’ and ‘no’ sides, with parties and

³²³ *Scotsman* 20 February 1979, 13.

³²⁴ *Guardian* 26 February 1979, 3.

³²⁵ *Scotsman* 24 February 1979, 4.

³²⁶ *Scotsman* 16 February 1979, 12.

organisations co-operating, but Labour were vehemently opposed to this concept. Alf Young, Scottish research officer of the Labour party stated: “We believe in a Scottish Assembly while others campaigning for a Yes vote are doing so for different reasons”. He added that a ‘yes’ broadcast would involve the SNP, who advocated an Assembly for reasons fundamentally different to those of Labour, “It would not be possible to reconcile their case with ours”.³²⁷ The consequence was that, in the end, there were no broadcasts. The SNP were willing to cooperate, making it even more embarrassing for Labour. This was criticised in the *Scotsman* editorial:

The problem would be solved by allocating two broadcasts to each side, thus giving one to Labour and the Scottish TUC, and the second to the SNP, Liberals and Conservative dissidents. The price of that, however, would be the near certainty that Tam Dalyell and his band of Labour No campaigners would be given their own broadcast for a direct appeal to Labour voters. The Conservatives would fix that. But it would, in fact, be a small price to pay, and would certainly be in the interest of fairness.³²⁸

The Regional Divide

According to the 1971 Census, some four fifths of the Scottish population lived in the central belt.³²⁹ On several occasions, Neal Ascherson of the *Scotsman* addressed the issue of geopolitical divisions, which he termed the ‘Grampian question’, and described as an important dilemma for the ‘yes’ side. In the rural areas it was feared that the central belt in Scotland would be allocated the lion’s share of the Assembly’s resources, and the Edinburgh elite would achieve more power and influence. He wrote that it might even be that some SNP voters in the landward constituencies of the north-east would vote ‘no’ to defend the interests of the Grampian region, and one ‘yes’ campaigner dryly commented that “they voted against Britain and now they’ll vote against Scotland”.³³⁰ The regional identity (with corresponding interests) was to some people obviously more important than the national Scottish identity. The same scepticism of an Edinburgh-based Assembly applied to the rest of the Highlands, and perhaps even more so in the Islands.

³²⁷ *Scotsman* 17 February 1979, 4.

³²⁸ *Ibid.*, 2.

³²⁹ *The Royal Commission on the Constitution 1969-1973*, 21.

³³⁰ *Scotsman* 28 February 1979, 13.

In Shetland, the Shetland Group had been founded in 1977, with the aim of achieving a greater degree of control over the islands' own affairs. They decided not to commit themselves to either the 'yes' or 'no' sides of the campaign, but issued an explanatory statement to the Shetlanders. The Shetland Group adopted a significantly different approach to devolution from the Shetlands Islands Council, whose main aim was not autonomy for Shetland, but to protect their agreements with the oil industry and their status as a most-purpose authority (county borough). The Council concentrated on what it considered to be a threat to those acts from the possibility of Scottish devolution, and had called for a commission to investigate Shetland's problems. There was some confusion in Shetland about the implications of a 'yes' or 'no' vote, because while the original amendment to the Scotland Act provided for a commission if people in either Orkney or Shetland voted 'no' (see p.66), it was later amended to a commitment to commissions being established *irrespective* of how the islanders voted. However, as the provision was part of the Act, if the Act was repealed following a 'no' majority the commissions would not necessarily be established. In a declaration from 1978, the Shetland Labour Party argued against devolution for Scotland if it included Shetland on a basis of an assessment of the special needs and interests of the island, but also on an ideological basis: "Both devolution and independence are devious roads to socialism...a wrong road may have a cross road that leads straight on to the highway, so socialists travel hopefully, if not enthusiastically".³³¹ Early in the referendum campaign, Labour in Shetland came out in favour of an Assembly. The chairman of the Shetland Labour Party commented that the main reasons were the commission, and the chance of a separate representation from Orkney for the first time in Shetland's history, as Shetland was supposed to have its own member in the Scottish Parliament.³³²

The Break-Up of the United Kingdom?

The break-up of the United Kingdom as a result of a failed referendum was projected by both sides in the debate. The anti-devolutionists saw the Assembly as a stepping-stone to full independence for Scotland. The pro-devolutionists in Labour and the Liberal Party warned that if Scotland did not get devolution, the SNP would grow stronger and a

³³¹ The Shetland Labour Party, *The Shetland Labour Party's Devolution Views* (Lerwick: Shetland Labour Party, 1978).

³³² *Scotsman* 22 February 1979, 15.

separate Scotland would be the result. John Smith, who had been Minister for Devolution, spoke at a public meeting in Glasgow in mid-February. There he rejected arguments about the break-up of the UK, arguing that “the Scotland Act would increase Britain’s unity which had to be founded on diversity as well as conformity.”³³³ David Owen, the Foreign Secretary, promised at a Labour Party eve-of-poll-rally in Edinburgh that a Scottish Assembly would not undermine the strength of the Union, but by satisfying the demand for greater democratic control of Scottish life it would confound the separatists and “express the dangers and narrowness of their slogans”.³³⁴ Nationalist sentiments of the more fundamentalist kind were occasionally voiced, but more often in letters to the editor than in leaflets, advertisements, posters etc. by the official campaign groups. A Lord Birsay wrote to the *Scotsman* to express the following wish: “May our citizens of this ancient nation and Kingdom of Scotland vote massively and vote preponderantly Yes”.³³⁵

Michael Foot and James Callaghan argued along the leftist, democratic line; that devolution would bring government closer to people. In choosing this argument, they tried to give the impression that the demand for devolution had more to do with resentment towards an over-centralised government than with the revival of a Scottish national feeling. Still, on 25 January at a Labour Party Political Broadcast the “hammer of the Nats” Willie Ross talked about Robert Burns, about Scotland’s chance for democracy, about how the Scottish people had been working for devolution for a hundred years. According to Ascherson, the whole tone of the broadcast was one of “noble nationalism”.³³⁶ The Labour Party leaders might argue that devolution was an old Labour policy, but the tone had certainly changed.

The Fear of Added Bureaucracy and Costs

The value of added democracy - how the Assembly would make the civil servants more accountable to public opinion and democratically elected representatives - was seldom voiced as an argument per se. It was mostly applied in attempts to counter the “added bureaucracy and costs” argument, which was one of the primary objections to the

³³³ *Scotsman* 20. February 1979 11.

³³⁴ *Scotsman* 1 March 1979, 8.

³³⁵ *Scotsman* 1 March 1979, 12.

³³⁶ Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns*, 6.

Assembly.³³⁷ This argument was mainly used by the SSN campaign, which made sense on an ideological level, as the SSN was supported by big business and the Conservative Party. Arguing from the left, the 'Labour Vote No' campaign produced proposals showing how the accountability of government departments could be improved *without* resorting to the creation of an Assembly. LVN suggested, as an alternative to devolution, that the Government should introduce plans for the greater accountability of civil servants in the major areas of government, and more would be achieved for the quality of democracy this way as it would affect all of the British people. The claim that an Assembly would bring government closer to the people was met by Brian Wilson with the argument that "The people of the Falls Road in Belfast were geographically very close to government. But in terms of access or meaningful democracy, they were light years removed".³³⁸

As mentioned previously (see p.89), there was also a very real fear that the Assembly would shift powers away from the local level. There was a worry that the new Assembly would erode the powers of the newly reorganised local government, and this may have been one of the reasons why so many Labour local councillors were hostile to it. When trying to identify the reason for the referendum defeat, Bogdanor argues that there existed a powerful mood of disenchantment with institutional reform in Scotland and Wales. After the reorganisation of local government, the health service and the water industry, the voters felt a deep yearning for stability.³³⁹ When Gordon Brown, chairman of Labour's devolution sub-committee, spoke at a Labour Party Press conference in the middle of February on the subject of bureaucracy, he argued that a Scottish Assembly would provide the opportunity to take important decision-making out of the hands of "old school tie civil servants" operating behind closed doors and put it into the hands of elected representatives accountable to the people of Scotland. He promised that an Assembly would also look closely at the system of quangos. Admittedly, an Assembly would inherit thousands of civil servants, but if the country voted in favour of an Assembly the Labour Party would hold a special conference to discuss the internal organisation of the Assembly.³⁴⁰ The positive effects that devolution could have on democracy were a consolation for devolution-sceptics on the left of the Labour Party. Tony Benn, Secretary of State for Energy, hoped that the devolution referendum and a subsequent Scottish

³³⁷ Perman, "The Devolution Referendum Campaign of 1979," 59.

³³⁸ *Scotsman* 22 February 1979, 10.

³³⁹ Vernon Bogdanor, "The Defeat of Devolution. Reprint from the *Spectator* 10 March 1979," in *A Diverse Assembly. The Debate on a Scottish Parliament*, ed. Lindsay Paterson (Edinburgh: Edinburgh University Press, 1998), 133.

³⁴⁰ *Scotsman* 15 February 1979, 6.

Assembly would eventually lead to more democratic control to Scotland and to close the “accountability gap” between the electorate and the decision makers.³⁴¹

The economic arrangements for the Assembly also caused worry. Denis Healey, the Chancellor of the Exchequer, tried to explain the virtues of a block grant instead of taxing Scottish people directly. Public expenditure was 30 per cent higher per head in Scotland than in England, and tax revenue per head was very much lower than in England. So, if an Assembly had to raise the same amount of money it would be necessary for Scotland to drop expenditure by a third, or raise taxation by “an intolerable amount”.³⁴² However, the block grant was criticised both by people who wanted more power to the new Assembly, and by people who were opposed to devolution. Robin Cook and George Cunningham both feared that the model would polarise English and Scottish interests and encourage a conflict between the two nations where none existed at the present.³⁴³ Robert Hughes, another anti-Assembly Labour MP, suggested that the only way the Assembly could generate extra money would be through measures such as higher prescription charges, payments for consulting doctors and entering hospital, school fees and higher charges for old people’s homes.³⁴⁴

The Forty Percent Rule Complications

The Cunningham amendment, demanding a ‘yes’ vote from 40 per cent of the electorate, received a substantial amount of attention throughout the campaign, probably at the expense of the issues of devolution itself. In the ORC February poll, as many as 70 per cent reported to have heard about the ‘40 per cent rule’. 46 per cent believed it was an unfair rule, while 40 per cent thought it reasonable. Naturally, this varied with the respondent’s view on devolution.³⁴⁵

The Cunningham amendment breached the theory of the referendum as a purely advisory device, by defining the mandate for implementation. It also introduced a new concept into British politics by ensuring that the final judgement of the result would take account of those who did not vote. The electoral register was fairly new, but having been

³⁴¹ *Scotsman* 28 February 1979 8.

³⁴² *Scotsman* 23 February 1979, 7.

³⁴³ *Scotsman* 15 February 1979, 6; *Scotsman* 28 February 1979, 8.

³⁴⁴ *Scotsman* 23 February 1979, 7.

³⁴⁵ *Scotsman* 16 February 1979, 1.

compiled the last autumn it would still contain some errors. It was therefore demanded that the Government should deduct a number of voters from the electoral register to take into account those who had died since last October, those who would not reach 18 years until after 1 March, prisoners and categories of multiple registration such as students and nurses. The Government stood firm against demands that an allowance should be made for people who were ill or disabled, as they had the *right* to vote, if not the opportunity. The SNP MP George Reid insisted that the discount figure should be 576,000, if the allowance included religious non-voters, patients in hospital and those who had moved recently.³⁴⁶ Eventually the Government limited discounted voters to only 90,000. The National Union of Students said the allowance for nurses and students was well below their own estimate, which in fact was 2.5 times higher.³⁴⁷ This coincided with a growing view in the Government that they should not be bound by the 40 per cent rule, as a referendum should be only advisory and the electoral register could never be accurate. An editorial in the *Scotsman* supported the small deduction as it was necessary for the Secretary of State for Scotland to plead the strictness of the Scotland Act, and reminded readers that it was “open to Parliament to take a more liberal view of the wretched 40 per cent than Bruce Millan felt able to do under the law”.³⁴⁸ The Scottish newspapers overflowed with letters from people with injured kin in hospital unable to vote, people who had unsuccessfully applied for a postal vote etc. It was suggested that ballot boxes be installed in hospital wards, but this was rejected.

The opposing sides could never quite agree on whether an abstention was a no-vote. The ‘no’ side argued that as the referendum was consultative and the result was not binding, Parliament could proceed with or annul the Act as it chose to, and the 40 per cent provision would only affect the procedure by which the Government had to ask Parliament to reach a division. They also feared that the ‘yes’ campaign’s claim that a non-vote is a no-vote could lead to a situation where only the ‘yes’ voters bothered to turn out, with a minority victory as a result.³⁴⁹ Robin Cook described at a press conference the no-voting argument as a “false and malicious lie designed to serve the objective of the Yes-men in obtaining a majority at all costs”.³⁵⁰

John Smith, the former Minister for devolution, suggested at a meeting on 19 February that Parliament might be prepared to ignore the 40 per cent rule in the

³⁴⁶ *Scotsman* 16 February 1979, 1.

³⁴⁷ *Scotsman* 21 February 1979, 1.

³⁴⁸ *Ibid.*, 10.

³⁴⁹ *Scotsman* 19 February 1979, 8.

³⁵⁰ *Scotsman* 22 February 1979, 10.

referendum if there was a sizeable ‘yes’ majority. His view was that a poll of up to 70 per cent of the electorate would be considered a satisfactory turnout. Robin Cook had originally proposed an amendment of 33 per cent in stead of 40 and, although this amendment was defeated, he maintained that in the event of the ‘yes’ vote being more than 33 per cent of the electorate he would have to consider “very carefully” how he would vote in the ensuing division in the Commons. Tam Dalyell made it clear that he would stick by the 40 per cent rule because of the “basic design faults” in the Scotland Act.³⁵¹ Smith’s suggestion led to the suspicion that the Government would be prepared to ignore a defeat in the referendum in order to stay in power. A few days before the referendum Callaghan told his Labour parliamentary candidates and MPs that if the Act was to fall “the SNP will join the Conservatives in an early vote of confidence and with other minority support will force an election much sooner than the Labour Party wants”.³⁵² They were warned that the consequences for the Party would be grave, but the *Scotsman* did not believe this would be enough to hammer some of the ‘Labour rebels’ into line.

The *Guardian* claimed that Labour ministers were planning to plead with Parliament to go against the Act and allow the assemblies to be set up, if there was even a slight majority, out of sheer desperation to keep the votes of the 13 SNP Members for as long as possible. Some were even believed to go further: “In fact, some Ministers admit they will suffer if Scotland votes clearly Yes with the 40 per cent figure comfortably passed. That would guarantee the new Assembly and leave the SNP little cause for continuing to side with the Government in crucial Commons votes”.³⁵³

The debate about the 40 per cent rule and its implications was hard to grasp for ordinary people. The contributions from professors of statistics and mathematics hardly made it any easier. In addition, there were plenty of jokes about how for instance the Amendment itself had been passed into law by the votes of only 26.5 per cent of the membership of the House of Commons, and how the MPs who had suggested and defended it in the House had failed to poll even 40 per cent of the total votes cast in their constituencies, let alone 40 per cent of the total electorate.³⁵⁴ The issue became so complex and claimed so much attention, that towards the end of the campaign several leaders of the LVN campaign admitted that they now wished the Cunningham amendment had not existed. Brian Wilson commented: “I would be perfectly ready now to settle for a simple

³⁵¹ *Scotsman* 20 February 1979, 1.

³⁵² *Scotsman* 26 February 1979, 1.

³⁵³ *Guardian* 21 February 1979, 28.

³⁵⁴ *Scotsman* 7 March 1979, 10.

majority of the votes cast ... The 40 per cent rule has really turned out to be counter-productive and has given the Nationalists something to exploit". Archie Birt, secretary of Labour Vote No, agreed that it had become a liability. Only Tam Dalyell continued to insist that "40 per cent is my threshold".³⁵⁵ As it became clear how close the race would be, the SNP's opposition to the rule became stronger. An SNP candidate regretted that the SNP had not refused to have anything to do with the referendum campaign as soon as the 40 per cent clause was introduced: "It will be rather late in the day to shout "foul" if the total Yes vote falls below the required 40 per cent, if we have already played the game by London's crooked rules".³⁵⁶

The Last Chance Ever?

In mid-February Callaghan claimed that this was the last chance to bring devolution to Scotland. After some persuasion from the Conservative Party hierarchy, the former leader and pro-devolutionist Lord Home spoke, and rejected this claim.³⁵⁷ He asked the Scottish people to reject the present legislation and instead seek a more "acceptable formula". As Parliament was sovereign, it could do anything at any time. A new Act should find a solution to the West-Lothian Question, limit the size of the Assembly, rectify the lack of tax-raising powers and reconsider proportional representation.³⁵⁸ The response from pro-devolution Labour, represented by Donald Dewar, was that this was "arrant nonsense".³⁵⁹ If the Scotland Act was rejected there was no way in which Westminster would return to the topic. The middle way would be destroyed and the choice for the future would be between the unpalatable extremes of no change and separation. In addition, the improvements that Lord Home wished for were not supported by the Conservative mainstream, and certainly not by Margaret Thatcher. Home was heavily criticised for lacking integrity and putting forward "the mirage of an alternative that he knows the Westminster Parliament would never carry".³⁶⁰ The historian and supporter of devolution Chris Harvie, with a retrospective eye on Lord Home's contributions at Munich,

³⁵⁵ *Scotsman* 27 February 1979, 11.

³⁵⁶ Jim Fairlie, letter to the editor, *Scotsman* 16 February 1979, 14.

³⁵⁷ *Guardian* 15 February 1979, 4.

³⁵⁸ *Scotsman* 15 February 1979, 6.

³⁵⁹ *Scotsman* 12 February 1979, 12.

³⁶⁰ *Scotsman* 9 March 1979, 14.

commented: “He began his career by betraying one small nation, and ended it by betraying another”.³⁶¹

The Tory pro-devolutionists Alick Buchanan-Smith and Malcolm Rifkind responded to Lord Home by launching a separate Conservative ‘yes’ campaign the last week before the referendum, arguing that although the Act had many shortcomings it should be supported and once implemented it could be amended.³⁶² However, during the final days of the campaign Margaret Thatcher made a last-minute intervention in the debate with a claim that the Government proposals were a “hashed together” recipe for “more politicians, more civil servants and more expenses”. She pointed out that Labour’s Assembly was not the only devolution option: “A ‘no’ vote does not mean that the devolution question will be buried. It will open the way for all parties to explore together a lasting alternative arrangement which can enjoy the support of the whole British people”.³⁶³ This promise of a return to the plans for a Scottish Assembly contributed in making the pro-devolutionists among the Conservative voters vote against the Act, or at least abstain.

The Results and Reactions

The question put to the Scottish electorate on 1 March 1979 was “Do you want the provisions of the Scotland Act to be put into effect?” and the results were as follows:

	<i>% Electorate</i>	<i>% Votes</i>
<i>Yes</i>	<i>32.9</i>	<i>51.6</i>
<i>No</i>	<i>30.8</i>	<i>48.4</i>
<i>Did not vote</i>	<i>36.4</i>	-

Table A. Source: Miller 1980

For the results including the party affiliation of the voters, see Figure C.

³⁶¹ Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns*, 7.

³⁶² *Scotsman* 23 February 1979, 7.

³⁶³ *Guardian* 28 February 1979, 5.

When studying the details of the referendum results, the geographical differences were striking. Orkney and Shetland voted ‘no’, while the Western Isles delivered a surprising ‘yes’, albeit with a narrow majority. Commenting on the result the Orkney islands’ Convener stated that “I think it shows the Orcadians have no wish to be dominated by the central belt of Scotland. Our problems are

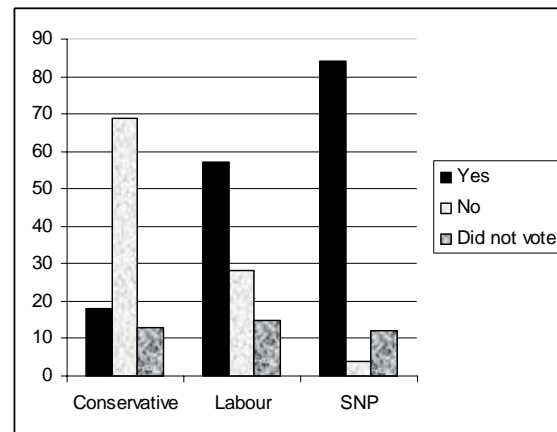


Figure C. Results of 1979 referendum with party affiliation. Source of figures: Brand 1986

different from those of the urban areas who would inevitably have the strongest voice in an Assembly”.³⁶⁴ While there was a close result in Lothian, the central region returned the largest ‘yes’ in percentage terms, but even that was only 36 per cent of the electorate. At its most impressive, the ‘no’ percentage reached 73 in Shetland, 72 in Orkney and 60 in the Borders region.³⁶⁵

Although almost invisible during the campaign, the class perspective received some attention after the referendum results had been announced. Tom Nairn commented to Ascherson that a closer look at the results suggested that only the Scottish middle class had voted ‘no’, the rest had voted ‘yes’ if they had voted at all.³⁶⁶ Lindsay Paterson, also a member of the SLP at the time, wrote in a letter to the editor that as the Scottish working class voted for Home Rule and the middle class did not, this confirmed the SLP opinion that unless the national movement was led by a left-wing working class party, it would never achieve independence. Paterson argued that the SNP Left had to recognise this, and if they could not change their party they should join the SLP.³⁶⁷ The SLP, however, was soon dissolved, with its former members divided between the Labour Party, the SNP and various marginal left-wing groups.

Returning to the two newspapers which have been consulted, on the day following the referendum the *Scotsman*’s front page gave a somewhat optimistic interpretation of the referendum day poll results with the headline “Survey predicts Yes on low poll”, followed by the ingress “Scotland is on the way to getting her Assembly, according to the best

³⁶⁴ *Scotsman* 3 March 1979, 1.

³⁶⁵ *Ibid.*

³⁶⁶ Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns*, 8.

³⁶⁷ *Scotsman* 7 March 1979, 10.

information available last night as polls closed in the devolution referendum”.³⁶⁸ A survey of almost 5000 voters coming out of 45 polling stations showed that 57 per cent had voted ‘yes’ and 43 per cent ‘no’. The indications were of a turn-out in the 60s, whereas with those figures a 70 per cent turnout would have been required to overcome the 40 per cent hurdle. The next day the results were clear, and the headline read: “Callaghan fighting for survival. Plans for Assembly gravely wounded.” The analysis presented in the editorial was that the vote in the referendum may have been as much an expression of dissatisfaction with the Government as about the devolution question. Anyway, it left Scotland divided. The *Scotsman* blamed the ‘yes’ campaign for being disunited, and for putting too much responsibility on the Labour Party Cabinet Ministers who had little authority and only associated devolution with their survival in office. It hoped that the Conservative Party would honour its pledge, but feared that if the SNP fare ill at the next election the pressure would be off and “the temptation to send devolution back to that dusty realm from which it emerged will be strong”.³⁶⁹ On 5 March they continued their attempt to explain why the results were as bad as they were, by again stressing that the “whole business has been tied in with Labour survival and ambition rather than the good governance of Scotland or indeed of Britain.”³⁷⁰

The *Guardian*’s verdict after the referendum result had been released was “a grudging, thin and meaningless consent”.³⁷¹ It stressed that Parliament could not afford to ignore that fewer than a third of Scotland’s voters had turned out in support of the Government’s plans. Its analysis included the following comment: “The deep suspicion which exists in Scotland (not least among Labour Party activists) that the Government took the devolution road in the first place wholly from considerations of party advantage may have much to do with the disaster which has now befallen it”.³⁷² It was also very clear that there was no reason for the Labour Government to try to “stagger on” until autumn.³⁷³

Any reaction to the result would depend on whether one accepted the 40 per cent rule. In Labour, even the pro-devolutionists were quick to admit that Callaghan had no mandate to try to ignore the 40 per cent provision. The anti-devolutionists in the party were expressing a firm determination all round to kill the Act “whatever the consequences”.³⁷⁴

³⁶⁸ *Scotsman* 2 March 1979, 1.

³⁶⁹ *Scotsman* 3 March 1979, 8.

³⁷⁰ *Scotsman* 5 March 1979, 8.

³⁷¹ *Guardian* 3 March 1979, 8.

³⁷² *Ibid.*

³⁷³ *Ibid.*

³⁷⁴ *Scotsman* 3 March 1979, 1.

The SNP view was that “a Yes is a Yes is a Yes”. Gordon Wilson, the deputy leader of the SNP parliamentary group, stated that “it is a Yes majority and therefore a Yes victory. The SNP have always maintained that a simple majority was a Yes victory”.³⁷⁵ On the same note, Jim Sillars commented, “We won the referendum. The Yes vote was 33 per cent and the Government always claimed to speak for the Scottish people after 1974 with only 27 per cent support”.³⁷⁶ The Conservative anti-devolutionists blamed the 40 per cent rule for the low figure of no-votes, as they believed that people had abstained instead of voting ‘no’.

When Labour’s Scottish executive met over the weekend after the referendum, they chose to reaffirm their commitment to devolution, but they did not call on the Prime Minister to press the Scotland Act through Parliament. In effect, this was only a request that devolution would be kept as an item in the next Labour election manifesto. The unions were more impatient and more inclined to urge a three-line-Whip than were the Scottish Executive, but they eventually agreed on a softer statement. The *Guardian* was of the somewhat mistaken impression that Labour in Scotland was strongly pro-devolution, and predicted that the Government would be pressured by Labour in Scotland to go ahead with the setting up of an Assembly, and that the Scottish executive was “almost certain” to insist that the Government must try to implement the Act.³⁷⁷ They were wrong. The annual Scottish Labour Conference was held in Perth the weekend of 9-11 March, and here it would have been possible to tell the Government to implement the Act with a three-line-whip. If the Act then fell, it would have been Labour MPs who had destroyed their own government. The Annual Conference nevertheless eventually agreed not to put active pressure on the Government, and subsequently voted in favour of a statement prepared by the Executive which pledged that devolution “will remain at the forefront of our programme” and urged the Government to implement the Act without suggesting when or how. This turned the debate into a repair session for party unity. Gordon Brown, a member of the Scottish executive, underlined that there should be no bloodletting, and chose to attack the Tories and “separatists” in stead. Very few voted against the statement, just the most ardent anti-devolutionists. One of them, Archie Birt, complained afterwards that the

³⁷⁵ Ibid.

³⁷⁶ Ibid.

³⁷⁷ *Guardian* 3 February 1979, 1.

executive statement “means that I now belong to a nationalist party”.³⁷⁸ Aware that it could have to face an election within weeks, the party closed ranks.

The SNP and the SLP were furious with what they felt was a betrayal from Labour. Already in January, Jim Sillars and Margo MacDonald had claimed in a conversation with Neal Ascherson that “Labour won’t really fight, that ‘big cheeses’ in the party are putting it about the grapevine that they will vote No, that Callaghan and the Scottish Council want the referendum to fail”.³⁷⁹ In letters to newspapers following the referendum results several SNP and SLP members and party officials complained about the lack of time and energy spent by Labour in the referendum campaign: “The only part of their [the Labour Party officials] anatomy which has suffered recently is the posterior – for they have been sitting on it while those who put Scotland first worked for a Yes vote. ... Labour’s campaign was a token one. Any tiredness probably stems from boredom.”³⁸⁰ At the Labour Conference in Perth, the criticism went the other way when a delegate accused the SNP of failing to campaign hard, unlike Labour.³⁸¹ Both parties had expected a stronger effort from the other.

The Defeat of the Labour Government

They [Labour] were unable to agree about the Scottish Assembly proposals in Parliament. So they passed the parcel to the people. The people shook it, squeezed it, listened to it and promptly passed it back again. ‘I don’t know what it is either, mate. Here, you take it. And anyway, Tam says it’s ticking.’³⁸²

If the result of the referendum had been decisive the Commons would probably have given reluctant support to the Scotland Act, even if the vote had been under 40 per cent. If the ‘no’ side had won, the solution would have been simple, as the Government’s authority would not have been challenged if they dropped the devolution issue. According to James Naughtie, it was only a couple of days after the result before the Labour MP Eric

³⁷⁸ *Scotsman* 12 March 1979, 1.

³⁷⁹ Ascherson, *The Yes Road: A Reflection on Two Devolution Campaigns*, 5.

³⁸⁰ Ron Wyllie (SLP), letter to the editor, *Scotsman* 9 March 1979, 10.

³⁸¹ *Scotsman* 12 March 1979, 1.

³⁸² Chris Baur, “A Time to Lay Down Referendum Rules,” in *The Scottish Government Yearbook 1980*, ed. H.M. Drucker and N.L. Drucker (Edinburgh: Paul Harris Publishing, 1979), 85-86.

Moonman was summoning anti-devolutionists for strategy meetings, hoping to put pressure on Michael Foot, who held the position of Leader of the House of Commons.³⁸³ The length of time the repeal order could lie on the table before the vote was unrestricted, as Cunningham had not imagined that this would be necessary to specify in his amendment to the Bill. By Sunday a survey conducted for the television programme “Weekend World” suggested that a minimum of twenty-four Labour MPs would rebel against any attempt to vote down the repeal order.³⁸⁴ On 6 March Callaghan agreed during Prime Minister’s Questions in the Commons that “of course” the Secretaries of State for Scotland and Wales would bring forward Orders to repeal the Acts. When Margaret Thatcher suggested the Orders be laid before Parliament “fairly quickly”, Callaghan requested some time for reflection. He argued that the constitutional issue was a serious one if they wanted to keep Scotland and the rest of the UK united. When the SNP’s Gordon Wilson called for a recommendation of a rejection of the Order on the Scotland Bill Callaghan responded, not particularly clearly and to the point, that the Government had fulfilled their election commitment on devolution by presenting the Act and giving the people of Scotland their say in the referendum.³⁸⁵

There had been even less support for the Government’s proposals in Wales, where the Labour party by the time of the referendum had come to be even more divided. A majority of the Welsh Labour Party constituency publicly opposed devolution, and a group of back benchers which included Leo Abse and Neil Kinnock directed a powerful campaign against it. In addition to the anti-devolutionist arguments in Scotland, there was the fear of a Welsh-speaking elite taking power.³⁸⁶ As the results of the Welsh referendum showed that almost 80 per cent were opposed to the Welsh Act, with a turnout of less than 60 per cent, there was no doubt that the Wales Act had to be repealed. Thus, it was only Scotland that represented a problem.

James Callaghan and Michael Foot met in the Commons late in the evening on 5 March, together with the Chancellor, the Home Secretary, the Secretaries of State for Scotland and Wales, the Chief Whip and the General Secretary of the Labour Party. Foot wanted to lay the Repeal Order before Parliament, while simultaneously inviting the House to reject it. This way the Act would be left on the statute book, but would not come into

³⁸³ James Naughtie, "The Year at Westminster: The Scotland Act Brings Down the Government," in *The Scottish Government Yearbook 1980*, ed. Henry Matthew Drucker and N.L. Drucker (Edinburgh: Paul Harris Publishing, 1979), 43.

³⁸⁴ *Ibid.*, 44.

³⁸⁵ *Scotsman* 7 March 1979, 1.

³⁸⁶ James Barry Jones and Michael Keating, *Labour and the British State* (Oxford: Clarendon, 1985), 128.

force before a Commencement Order was laid after the next general election. Callaghan had been through an attempt at the same before, when he was Home Secretary, and felt that the criticism levelled at him was too heavy to be worth it, and he thus lacked enthusiasm for the idea.³⁸⁷ It was also suggested that the Government should call for a vote of confidence, while it still had the support of the Nationalists. The Chief Whip reported that the Government could not rely on the votes of Labour Members from Merseyside or North England if they moved to reject the repeal order.³⁸⁸

When the Cabinet finally met, they did not reject Foot's proposal, termed "the Frankenstein solution" by the press, but decided to leave it on the side. In the meantime they tried to get the other parties to agree on talks, on which the *Guardian* commented in an editorial that "a distinction needs to be made between a genuine attempt to re-explore the available options and a period of procrastination designed to drag out talks until Labour's electoral prospects began to brighten."³⁸⁹

The SNP was split between a faction which wanted to challenge the Government immediately and hope for an early election with favourable results, and another group which wanted to get the Bill through, even if it was in an amended form. Publicly they threatened that there would have to be an election at once if the Government could not deliver the Assembly. Callaghan originally hoped to postpone the election until October that year, but as Parliamentary pressure mounted June was as late as he dared hope for. The SNP's George Reid announced that they would delay a censure vote only if the Scotland Act was put to the test within three weeks, but the Parliamentary SNP group was still divided on this issue, and they eventually decided to wait and see which date the Prime Minister named in his statement on the Act, which was set for 22 March.

Party	Seats
<i>Labour</i>	<i>306</i>
<i>Conservative</i>	<i>281</i>
<i>Liberal</i>	<i>13</i>
<i>SNP</i>	<i>11</i>
<i>PC</i>	<i>3</i>
<i>Scottish Labour</i>	<i>2</i>
<i>Official Unionist</i>	<i>6</i>
<i>Other unionists</i>	<i>4</i>
<i>Irish independents</i>	<i>2</i>
<i>Vacancies</i>	<i>3</i>
<i>Speaker and deputies</i>	<i>4</i>

Table B. Seats in the House of Commons per party March 1979.
Source: *Guardian* 3 March 1979, 2

³⁸⁷ Callaghan, *Time and Chance*, 559.

³⁸⁸ *Ibid.*, 560.

³⁸⁹ *Guardian* 8 March 1979, 14.

Shortly after the referendum, the Labour MP for Derbyshire passed away. Two other seats were also vacant. Labour held a minority of 306 seats, and could not say with any certainty which other members would support the Government (see table B). On 22 March the Prime Minister simply announced talks with the minor parties and the Conservative Opposition, and promised a vote on the Repeal Order no later than 30 April. It is possible that he concluded that it was better to have a plain confidence vote, without the disastrous split in the Labour ranks which a vote on the Scotland Act most likely would reveal.³⁹⁰ An hour later the SNP tabled their Motion of No Confidence, followed closely by Margaret Thatcher's own motion. The Conservatives' motion made it impossible for the SNP to back down, and a debate was called for 28 March. The days before the debate were coloured by rumours and offers. Alfred Broughton, a Labour MP, was seriously ill and could not make it to the House. He died only a few days later. Gerry Fitt, the Social Democratic and Labour Party (SDLP) Member, ordinarily took the Labour whip. At this point, however, he strongly objected to a change in the Northern Ireland constituencies proposed by the Labour Government and therefore declared his lack of confidence.³⁹¹ His vote, together with the missing vote of the dying MP, decided the issue with 311 to 310 votes, and thus the Labour Government fell. It was the first time since 1924 that a Government had lost a confidence vote. Michael Foot wrote shortly after the Government's fall that "it was truly the results of the Referendum which led to the Government's defeat within that same month of March". He believed Callaghan had never been enthusiastic about devolution, but had gone along with the Party decisions on the matter and did his best to assist them.³⁹² In the opinion of Naughtie, devolution had become little more than a symbol of the Government's troubles and a lever for the opposition, or, in Eric Heffer's words, "The Callaghan government had proved to be its own worst enemy".³⁹³

³⁹⁰ Naughtie, "The Year at Westminster: The Scotland Act Brings Down the Government," 49.

³⁹¹ Callaghan, *Time and Chance*, 562.

³⁹² Michael Foot, "How the Government Fell. A Few Brief Notes," (1979).

³⁹³ Heffer, *Never a Yes Man. The Life and Politics of an Adopted Liverpudlian*, 168.

8. THE LONG ROAD TO PARLIAMENT

The Demise of the Scotland Act

During the referendum campaign in 1979 several warnings had been issued that this was the last chance for devolution “for a generation”.³⁹⁴ Dickson Mabon, the Minister of State for Energy, told a ‘yes’ rally in Aberdeen that “we would be lucky if devolution was back on the UK constitutional agenda in the 1990s”.³⁹⁵ Margaret Thatcher had told the Scottish people to disregard such scare tactics, as “a No vote in the referendum would not mean that the devolution question would be buried ... Instead, it would open the way for all parties to explore a ‘lasting alternative’ which would enjoy the support of the whole of the British people”.³⁹⁶ However, one of the first items on Thatcher’s agenda after she was elected Prime Minister upon the fall of the Labour Government in May 1979 was the repeal of the Scotland Act, and a new one did never appear. The repeal took place on 20 June 1979, by 301 to 206 votes. While Labour actually had not lost support in the 1979 general election, the national vote was slightly higher than it had been in October 1974. The abstaining Tories flocked back to their party, and thus gave Margaret Thatcher a large majority of seats.³⁹⁷ The SNP lost nine of its seats and withdrew to lick their wounds. This chapter will trace the devolution issue through the 1980s and early 1990s, concentrating on changes within the Labour Party and the ramifications this had on the cross-party campaigns, and on the next referendum on devolution to Scotland.

The Thatcher Years

Some of Margaret Thatcher’s less popular policies hit Scotland particularly hard. The Conservative Government’s economic policies of monetarism and fiscal conservatism destroyed about 20 per cent of the manufacturing industry.³⁹⁸ A large share of the industry that had been created or kept alive by the government in the 1960s and 1970s was now

³⁹⁴ Lord McCluskey, *Scotsman* 23 February 1979, 7.

³⁹⁵ *Scotsman* 24 February 1979, 4.

³⁹⁶ *Scotsman* 28 February 1979, 8.

³⁹⁷ Callaghan, *Time and Chance*, 563-64.

³⁹⁸ Harvie, *Scotland. A Short History*, 211.

shut down, such as car-making and shipbuilding. While the Falklands War resulted in a surge in the Prime Minister's popularity in England, the Scots dissented from the consensus favouring the war. Just prior to the 1987 general election, new legislation provided for the introduction of a poll tax in Scotland, a year ahead of its implementation in England and Wales. As the basic premise of the tax was that each individual taxpayer should pay the same amount regardless of income, Bochel et al. described it as an "extremely regressive form of taxation", and it was met with fierce resistance in Scotland.³⁹⁹ The fact that it had been first introduced in Scotland made it easy for the SNP and Labour to portray the Conservative Party as anti-Scottish. When the Conservative Party was re-elected in 1987, it was on the basis of their support in England, as they lost more than half of their Scottish seats and received less than a quarter of the votes.⁴⁰⁰ When asked in 2004 why both the Scottish majority and the Labour Party supported devolution so much more strongly in 1997 than in 1979, the Labour MP Tam Dalyell blamed Margaret Thatcher entirely. He reported that there was a very strong consensus of opinion that some of the damage done to Scotland in the Thatcher era could have been avoided if only there had been a Scottish parliament or assembly.⁴⁰¹ In Scottish Labour, opposition to Thatcher and her politics translated into a strong-devolution policy.

The Tartanisation of the Labour Party

After 1979 important ideological and organisational changes took place in the Labour Party. At first the party experienced a move to the left, resulting in a more state-interventionist and centralist economic strategy which was hard to combine with the support for devolution, although attempts were made. In 1981 the 'Labour Campaign for a Scottish Assembly' published *Socialist Arguments for Devolution*, introducing the guiding principle that because socialism requires democracy, and as devolution to Scotland is a step towards democracy, devolution was likely to lead to socialism, instead of being a diversion from achieving it.⁴⁰² However, before the 1983 general election a new strategy was formulated.⁴⁰³ It was also agreed that it was necessary to take on board some of the

³⁹⁹ Hugh Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum* (London: Frank Cass, 2000), 31.

⁴⁰⁰ Ibid.

⁴⁰¹ Tam Dalyell, Telephone conversation with the author, 16 September 2004.

⁴⁰² The Labour Campaign for a Scottish Assembly, *Socialist Arguments for Devolution* (1981).

⁴⁰³ Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum*, 29.

arguments made during the 1979 referendum campaign.⁴⁰⁴ One of the changes was that the Labour Party now committed itself to a far stronger and more convincing “Assembly with teeth”, with substantial economic powers. This made devolution more bearable for the left wing of the party, and in February 1983 an NEC statement committed the next Labour government to the creation of a directly elected Assembly with various revenue-raising and industrial powers.⁴⁰⁵ This was reflected in the 1983 general election manifesto, which stated that the “Scottish Assembly will have tax-raising powers, thus ensuring that the level of services provided can be determined in Scotland”.⁴⁰⁶

By the late 1980s, Scottish Labour was enthusiastically and genuinely for home rule, having convinced themselves that a Scottish Assembly would have protected Scotland from the worst depredations of the ‘Thatcher revolution’.⁴⁰⁷ Senior Labour councillors, who had been vehemently opposed to devolution in the 1970s (see p.89), eventually came to regard a Scottish Parliament as a means of protecting local services. As early as 1981 Noel Foy argued in a Scottish Labour publication that if there had been an Assembly it would have been controlled by Labour, and thereby could have provided a substantial degree of protection against Thatcherism.⁴⁰⁸ In the Parliamentary Labour Party opposition held on a little longer, especially in the Northern group of English Labour MPs. The Yorkshire group also expressed disquiet, claiming a measure of equal treatment for themselves. To secure the maximum support for devolution within Labour, and to campaign for it outside the Party, a ‘Labour Campaign for a Scottish Assembly’ was established, open to all Labour Party members.⁴⁰⁹

As the Conservative vote in Scotland declined in the general elections throughout the 1980s, the ‘idea of the Scottish mandate’ appeared. The crux of this concept was that Scottish political sovereignty was vested in the people of Scotland rather than in Parliament. A fundamental principle for the SNP and other nationalists, it was adopted by Scottish Labour during the Thatcher years. It implied that the Conservative Party had no mandate to govern Scotland, and that the majority vote in favour of devolution in 1979 had to be respected. This was reflected in *Devolution: Labour’s Green Paper* from September

⁴⁰⁴ “A Plan for Scotland. Incorporating Amendments Agreed at a Seminar of the Labour Party in Scotland and the Scottish Trades Union Congress in Glasgow 23 September 1982,” (November 1982).

⁴⁰⁵ Jack Geekie and Roger Levy, “Devolution and the Tartanisation of the Labour Party,” *Parliamentary Affairs* 42, no. 3 (1989), 400.

⁴⁰⁶ The Labour Party, *The New Hope for Britain. General Election Manifesto 1983* (London: 1983).

⁴⁰⁷ Bennie, Brand, and Mitchell, *How Scotland Votes. Scottish Parties and Elections*, 54.

⁴⁰⁸ Noel Foy, “Devolution and the State of the Party,” in *Socialist Arguments for Devolution*, ed. Henry Matthew Drucker (Edinburgh: Labour Campaign for a Scottish Assembly, 1981), 6.

⁴⁰⁹ Labour Campaign for a Scottish Assembly, *Socialist Arguments for Devolution*.

1984 which stated that the people of Scotland recorded a clear vote in favour of the Assembly.⁴¹⁰ Scotland was seen as a nation of socialists, and devolution as the vehicle to translate this socialist will into action. This also indicated that “the Scottish people” was a natural political unit within the United Kingdom. At the 1987 general election 75 per cent of Scottish voters supported pro-devolutionary parties. Labour won fifty seats in Scotland, something that in their opinion gave them the mandate to decide Scotland’s future. They even launched their own Scotland Bill.⁴¹¹

With a few exceptions, the SNP and other nationalist groups were the only ones making explicit references to Scotland’s loss of statehood, with rhetorical statements such as “a nation once again” during the devolution debate of the 1970s. Now this all changed. In 1987 a prospective Labour candidate urged the party to show voters “that the control over their own lives, which Scots have been deprived of for almost three centuries, can be re-established”. Dennis Canavan, MP, argued that “the people of Scotland did not give their democratic consent to the Act of Union”.⁴¹² The image of Scotland as a semi-colony was also adopted by Labour, as when Henry Drucker declared that “we are fed up with seeing our laws and or customs overruled as if we were some forgotten colony”.⁴¹³ After the 1987 general election, the Labour MP John Maxton expressed the hope that Margaret Thatcher would “not try imposing a semi-colonial administration on Scotland”. Dennis Canavan even claimed that Scotland was “being treated worse than a colony”, with the Secretary of State behaving “like a colonial governor-general”.⁴¹⁴

In August 1987 Robin Cook, previously an outspoken opponent of devolution, urged Labour MPs in Scotland to set up an alternative forum to Westminster somewhere in Scotland, and invite the MPs of other parties to join them and vote on Scottish issues.⁴¹⁵ The same year the Annual Conference of the Labour Party endorsed the proposal that Labour MPs and local authorities should obstruct government legislation if the latter rejected a Scottish Devolution bill.⁴¹⁶ Even Eric Heffer changed his mind, and became a pro-devolutionist in 1990/91.⁴¹⁷

⁴¹⁰ Geekie and Levy, "Devolution and the Tartanisation of the Labour Party," 401.

⁴¹¹ Ibid.: 402.

⁴¹² Ibid.: 403.

⁴¹³ Henry Matthew Drucker, "Introduction," in *Socialist Arguments for Devolution*, ed. Henry Matthew Drucker (Edinburgh: Labour Campaign for a Scottish Assembly, 1981), 1.

⁴¹⁴ Geekie and Levy, "Devolution and the Tartanisation of the Labour Party," 403.

⁴¹⁵ Ibid.: 404.

⁴¹⁶ Ibid.: 405.

⁴¹⁷ Heffer, *Never a Yes Man. The Life and Politics of an Adopted Liverpudlian*, 165.

In 1994, Labour's Scottish Conference voted to change its name, and the Scottish Council of the Labour Party was changed to the Scottish Labour Party, the name of Keir Hardie's first Labour Party and Jim Sillars' group in the late 1970s. The name change conveyed that the Party was comfortable with its Scottish identity, and also suggested that being associated with two strongly pro-devolution parties was not considered a problem.

The Struggle Continues

Neal Ascherson wrote in the *Scotsman* on 5 May 1979, "An entirely maddening poll, taken on Thursday night, showed that the very people who had evaded a clear 'Yes' vote in the referendum and then deserted the SNP still thought, by a majority of more than seventy per cent, that devolution had been a 'good idea'".⁴¹⁸ With a Scottish majority in favour of some measure of devolution, the campaigning for an Assembly continued for the better part of the next two decades.

In 1980 the bipartisan pressure group 'Campaign for a Scottish Assembly' (CSA) had been established. In 1988 it issued a document entitled *Claim of Right for Scotland*, where the setting up of a Constitutional Convention was proposed. The Convention was supposed to agree on a scheme for devolution and campaign for its implementation. This time, Labour's leadership concluded that it would be better to join as one of the major participants, than to campaign alone. The victory of Jim Sillars, now representing the SNP, in the Govan by-election in November 1988 may also (again!) have pushed Labour into the more active pro-devolution camp. When the Convention was launched in 1989 it consisted of Labour, Liberal Democrats, Greens, trade unions, local authorities, churches and other civic bodies, but lacked the SNP, which feared Labour dominance and decided not to participate. They declared that they could only support a directly elected convention prepared to draw up a constitution for an independent Scotland.⁴¹⁹

Further progress was made after the 1992 election with the establishment of a committee to consider the issues which had not been satisfactorily resolved in the Scotland Act. The Convention produced two reports, *Towards Scotland's future* (1990) and *Scotland's Parliament, Scotland's Right* (1995). These reports, especially the latter, would come to form the basis of the Scotland Act in 1998. No solution was found to the West

⁴¹⁸ Wood, "Scottish Labour in Government and Opposition: 1964-79," 129.

⁴¹⁹ Bogdanor, *Devolution in the United Kingdom*, 196.

Lothian Question, but several other issues which had been unclear in 1979 were not only debated, but also attempted solved. For instance, it was agreed that the Scottish Parliament (which it was now to be termed) should be able to vary the rate of income tax by three pence in the pound. Bochel et al. described this as “fiscally feeble”, but it still had an important symbolic effect regarding the powers of the Parliament, and it was to become an important issue for debate later in the process.⁴²⁰ The criticism about unclear *vires* was met by proposing that matters to be devolved would be defined in the legislation and that all other matters would remain at Westminster. Regarding the size and composition of the Parliament, the Scottish Executive of the Labour Party finally agreed to support an electoral system which would be fairer to the smaller parties. This measure also alleviated concerns in the Highlands and Islands about a Lowland-dominated Parliament, something which had increased the opposition to devolution in these regions in 1979. The Convention thereby concluded in favour of the Additional Member System with each voter having two votes: one for the constituency MP, and one for a party or group list in a larger constituency, resulting in a 129-member Parliament, and combining the principles of proportional representation and the Westminster system.

New Labour Emerges

In the mid-1990s the Labour Party culminated its ideological change and swing to the right by changing parts of the Party’s constitution and rebranding itself as New Labour. The new ideological platform made a pro-devolution policy more consistent with the Party principles.

The sociologist and New Labour ideologist Anthony Giddens is one of the most prominent proponents of the argument that the shape of the nation state is being altered significantly by globalisation. According to this position, some of the powers that the nation states used to possess have been weakened, and this makes Keynesian economic management difficult. However, globalisation also creates new possibilities for regenerating local identities. Boundaries between different countries are becoming fuzzier, especially within the European Union.⁴²¹ The divisive aspects of nationalism will not disappear, but a more cosmopolitan version of nationhood is needed to keep them in check.

⁴²⁰ Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum*, 34.

⁴²¹ Anthony Giddens, *The Third Way: The Renewal of Social Democracy* (London: Polity Press, 1998), 31-32.

According to Giddens, national identity can be a benign influence only if it is tolerant of ambivalence, or has multiple affiliations. As described previously (see chapter 6), an individual can be Scottish, British and European at the same time, and even have a sense of a global citizenship. One of these identities might in a particular context override the others, but this need not prevent them accepting the others too.⁴²² In this light, devolution to Scotland and Wales was seen by New Labour as a way of keeping a diverse kingdom united, by giving them a measure of self-government instead of regarding the national identities as threats.

The argument that devolution threatened to weaken the unity of the working class in England and Scotland meant less in the 1990s than in the 1970s, both inside and outside the Labour Party. While some survey evidence suggests that Scottish electors in the late 1960s were inclined to think that they had more in common with an English person of the same class than with a Scottish person of a different class, by 1997 the respondents in the Scottish Election Study opted for a Scottish person of a different class by a margin of two to one.⁴²³

One of the crucial points in the Labour Party's transformation was the attempt to rid itself of the 'tax-and-spend' image, and this was what led to the introduction of a new referendum on devolution in Scotland. The Constitutional Convention and the Scottish Labour pro-devolutionists were strongly opposed to another new referendum, and the idea first gained currency amongst the few anti-devolutionists left in Labour, such as Tam Dalyell. At the same time, the Conservative Party pressured the Labour leadership on the "tartan tax" they were going to introduce along with the Scottish Parliament, once they won the upcoming election. The controversy over tax-varying powers for the Scottish Parliament led to Tony Blair's decision in the summer of 1996 to call a referendum, and to include an extra question. The first question was whether Scotland should have a parliament, and the second was whether the parliament should have tax-raising powers. This change of policy met the Conservative criticism and worked well in the election campaign, but created difficulties within the Labour Party.⁴²⁴ The decision to hold a referendum at all came as a surprise to Scottish Labour activists, including John McAllion, front-bench spokesperson on devolution, who resigned from his position in protest. Lord Ewing, who as Harry Ewing had played an important part in 1979, resigned as co-chair of

⁴²² Ibid., 130.

⁴²³ Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum*, 49-50.

⁴²⁴ Bennie, Brand and Mitchell, *How Scotland Votes. Scottish Parties and Elections*, 59.

the Constitutional Convention, and a number of Scottish Labour MPs spoke out against the referendum and a former senior councillor even defected to the SNP. Several alternatives were debated in the Scottish Labour Party, but in the end opposition withered out. In early 1997, almost all of the executive members who had opposed the leadership's line were defeated at party elections and replaced by New Labour members who could be trusted by the London leadership.⁴²⁵

The 1997 Referendum and Beyond

At the general election on 1 May 1997 Labour won by a landslide, and consequently formed a Government with Tony Blair as Prime Minister. The Labour Party in Scotland was, with few exceptions, united around the cause of Home Rule, but some members of the new Labour Cabinet of 1997, most notably the Home Secretary Jack Straw, were quite outspoken in their hostility to the whole project.⁴²⁶ This was countered by the appointment of the respected pro-devolutionist Donald Dewar to the position as Secretary of State for Scotland.

The Referendum (Scotland and Wales) Bill was the first public Bill of the new Parliament, introduced as early as 15 May, and with its Second Reading only a week later. The referenda it sought to legislate for were pre-legislative, and the debate was thus centred on who should be able to vote and the number of questions put to the electorate, not the issue of devolution as such. The result was a referendum to be held in Scotland on 11 September and in Wales a week later. This time no qualified majority was required, a simple majority would be sufficient. Only people who were resident in Scotland and Wales could vote and, as we have seen above, in Scotland there would be two questions on two separate ballot papers. On 24 July the Government published a White Paper as a foundation for the vote, outlining the content of the Bill that would follow the referendum.

The pro-devolution activists had learnt their lesson from 1979. This time around, the 'yes' organisation was far more unified, and had begun their preparations early. They had learnt that co-operation between the parties which favoured devolution was of fundamental importance. To bring the SNP onboard it was essential that a new organisation was launched, as the Convention was dominated by Labour and the Liberals.

⁴²⁵ Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum*, 44.

⁴²⁶ Howard Elcock and Michael Keating, "Introduction: Devolution and the UK State," in *Remaking the Union. Devolution and British Politics in the 1990s* (London: Frank Cass, 1998).

Talks were initiated already in November 1996, and after the general election and the issuing of the White Paper in July 1997 the SNP finally agreed to join the new campaign organisation, 'Scotland Forward', to fight for a Yes-Yes result in the referendum. While some Labour members were still reluctant to cooperate with the SNP, the new Secretary of State for Scotland, Donald Dewar, was not. When 'Scotland Forward' was publicly launched, the Devolution Minister Henry McLeish was there to show that a genuinely bipartisan campaign was supported by the Government. At the local level, all the Labour Constituency Parties campaigned for a 'yes' result.

The 'no' organisation 'Think Twice' was not initiated until after the general election, and was not launched until late June. It was largely dominated by the Conservative Party, which was busy recovering from their election defeat and electing a new leader. This time business leaders were split on the issue, and many key figures were hesitant of campaigning publicly and challenging the new and very popular Government.⁴²⁷ There was no official Labour anti-devolution campaign, but a small group of people around Tam Dalyell argued against the Parliament which they feared would lead to increased support for the SNP and eventually independence for Scotland. This time, Jim Sillars contributed by urging voters to abstain, as he feared devolution would stall Scotland's move towards independence.

One of the striking features of the 1997-98 debate on home rule in Scotland that contrasts with the devolution debate in the 1970s was the inclusion of a significant gender dimension. This relates both to the way in which women political activists were involved in the debate, and to the fact that equality of representation in a Scottish Parliament had been pushed up the political agenda in an unprecedented way. In 1979 many women regarded the assembly debate as irrelevant, while others feared that a parliament in Scotland could be a backward step for women, with Westminster providing an opportunity for more progressive social policies. In the late 1980s a separate 'Women's Claim of Right Group' was formed as a response to the Scottish Constitutional Convention which was 90 per cent male. This put a certain pressure on the Convention, and when it reported in 1990, a commitment to equal representation was included.⁴²⁸

The referendum date was set for 11 September. A short three-week campaign was shortened further by the death of Princess Diana. The campaign was suspended until after

⁴²⁷ Bochel et al., *Scotland Decides. The Devolution Issue and the Scottish Referendum*, 58.

⁴²⁸ Alice Brown, "Deepening Democracy: Women and the Scottish Parliament," in *Remaking the Union. Devolution and British Politics in the 1990s*, ed. Howard Elcock and Michael Keating (London: Frank Cass, 1998).

the funeral on 6 September, leaving only 100 hours for the finishing stage. On a 60.2 per cent turnout, 74.3 per cent voted in favour of a Scottish Parliament, and 63.5 wanted it to have tax-varying powers. The proportion of the electorate voting 'yes' was 44.7 per cent, and would therefore have been sufficient also if the Cunningham amendment still had been in effect, in spite of the rather low turnout.⁴²⁹ In the Welsh referendum a week later, there was an extremely narrow victory for the 'yes' side, with 50.1 per cent of the votes. When taking a closer look at the results in the different Scottish regions, the results did not vary as much as they did in 1979. In all the regions, there was a majority in favour of a Scottish Parliament, even in Orkney and Shetland. The proposed Additional Member electoral system had to a large degree removed the fear of central belt domination in the new Parliament.

The Scotland Bill was introduced into the House of Commons on 17 December 1997. This was the tenth time a major measure of devolution had been introduced since 1886 but, unlike most of its predecessors, it was not introduced in a hung parliament by a government dependent on nationalist votes. In 1886, 1893 and 1912 it had been the Irish nationalists, in 1976 and 1978 it had been the Scottish. This time the Government had a majority of 177 seats and a solid majority vote in the referendum to back its policy.⁴³⁰ The contents of the Bill differed little from the White Paper the Government had issued the previous July. During the debates the SNP and the Liberal Party generally proposed amendments increasing the powers of the Parliament, and argued in favour of any such measures. The Conservative Party chose to respect the referendum result and did not oppose devolution in principle, but attempted to limit the powers that were to be transferred. As the legislation was highly complex the Government also needed to propose numerous amendments. In spite of a smooth process with almost no intra-party dissent in Labour, it took almost a year before the Bill became the Scotland Act by Royal Assent on 19 November 1998. On 1 July 1999, the British Queen opened the new Scottish Parliament in Edinburgh. Seven years later it is still an open question whether the Scottish people consider this a sufficient degree of home rule.

⁴²⁹ Bogdanor, *Devolution in the United Kingdom*, 199.

⁴³⁰ *Ibid.*, 201-02.

9. CONCLUDING REMARKS

The purpose of this thesis has been twofold: to explore the reasons for Labour's policy change on devolution in 1974, and to explain why it was not possible for the Labour Party to secure a large enough majority in favour of its Scotland Bill in the 1979 referendum. The answers to these two questions are closely intertwined.

A return to David Bleiman and Michael Keating, to consult their conclusion from 1979, has been chosen as a fruitful point of departure for reviewing the main findings of this thesis. According to their book *Labour and Scottish Nationalism* there were four major factors which made the party adopt a policy of devolution: pressure from the national leadership, conviction, support of loyalist trade union leaders, and electoral worries.⁴³¹ That there was pressure from the national leadership in London is supported by the evidence of the primary sources studied for this thesis. But, what made it possible and even desirable, for the party leaders to adopt this policy in the first place? When Wilson promised a White Paper and a Bill in the House of Commons in March 1974, this has been described as an off the cuff remark, prompted by a comment by Winifred Ewing (see p.28). According to several of the Government's critics, such as Dalyell and Lawson, it could not have been planned, as such a major policy change would have required preparation in advance. This view however ignores the fact that an advisor had just been brought on board to assist in drafting plans for devolution. It seems likely, then, that the policy change was indeed planned, but not through the ordinary democratic Labour Party channels. It has been argued by, amongst others, Frances Wood, that Wilson had a positive opinion of devolution, traceable at least to the year before. With the lack of sources indicating any Labour Party discussions prior to the Prime Minister's Speech, it is possible – indeed likely – that since he knew there would be severe disagreements in the party this was the way he deliberately chose to deal with the issue. The Prime Minister's commitment in front of the House significantly narrowed room to manoeuvre for the NEC's Home Policy Committee and other Party groups who were then asked to formulate the details of the policy, as it was not possible to conclude in opposition to the Prime Minister in the current political situation – a minority Government with an upcoming general election.

As seen throughout the thesis, it was repeatedly argued by the Party leadership that Home Rule for Scotland was within the ideological tradition of the Labour Party, as it had

⁴³¹ Bleiman and Keating, *Labour and Scottish Nationalism*, 170.

been the prevailing party line in the decades prior to the Second World War, and had even been endorsed by Keir Hardie and other founders of the party. Still, as this thesis has shown, after the centralist policy of the post-war decades it was not easy, neither for party activists nor voters, to detect traces of a consistent policy which starts with the founding of the party and ends in devolution to Scotland. As touched upon in chapter 2, Scotland's position in the union always involved negotiations and compromises, and it was thus possible to regard the pressure for a Scottish Parliament as being simply the latest phase in the process of negotiation within the union.⁴³² This was what the Labour Party leadership tried to convince its voters and its somewhat reluctant members of after 1974, by arguing that "the devolution of power to a directly elected legislature in Scotland is part of a long, natural and developing process begun after the Treaty of Union in 1707. Far from representing a move to fragment the United Kingdom it will further strengthen and consolidate the union".⁴³³ It was hoped that Labour's support for administrative and inter-parliamentary devolution could be reinterpreted as leading to an assembly. This would, however, have been far more convincing if the Labour policies on devolution from the 1960s and 1970s, as expressed in programmes, internal discussion papers and statements, had not been so *aggressively* anti-devolution, and if they had not repeatedly argued in favour of administrative devolution as an *alternative* to an elected assembly, not as a stepping-stone to one. In the long run (and especially with a New Labour perspective) the centralist era of 1945-1975 can possibly be seen as an ideological exception in the history of the Labour party, but from a 1979 viewpoint this could hardly have been convincing. The idea of legislative and executive devolution as a natural consequence of administrative devolution did not convince the voters - understandably so since surveys showed that few of them had ever heard of St Andrew's House or were familiar with the contents or scope of administrative devolution (see p. 43).

The rapid transformation of Labour policy suggests that either the old centralist stance was not a matter of deeply held ideology, or that it had not seriously been infringed upon. The argument supporting the latter alternative was that the level of devolution on offer (with no tax-raising powers and only limited powers on industry devolved) was clearly within the economic framework of the United Kingdom, and that as devolution

⁴³² Paterson, "Scottish Home Rule: Radical Break or Pragmatic Adjustment?".

⁴³³ Labour Party in Scotland, *Why Devolution. The Whole of the Labour Movement in Scotland Is Giving Overwhelming Support to the Government's Bill for a Scottish Assembly* (Glasgow: The Labour Party in Scotland, 1976).

could head off the nationalist separatist challenge, there was a chance it could actually strengthen the union instead of weakening it. Whether the Scottish Assembly should have significant economic powers was a key issue dividing the committed decentralisers from the rest, a divide that continued into the devolution debate of the 1990s.

The relationship between the TUC and the Labour Party had always been close, and the pro-devolution stand of the Scottish TUC has often been mentioned in attempts to explain Labour's policy change. Regarding the impact of the trade unions, it is important to bear in mind that the 1974-1979 Parliament was the period of the first Social Contract between the Labour Government and the unions, which made it crucial that the relationship with the unions should not be disturbed (see p.76). This relationship can have worked two ways as far as the devolution policy was concerned. The unions did not want to jeopardise the Labour Government (and subsequently their own material achievements), especially over something they cared so little about as devolution. Thus, several of the unions which had opposed the majority recommendations of the Kilbrandon Commission at the March Annual Conference of the Scottish Council in 1974 had changed their minds by August.⁴³⁴ However, as the union representative Alex Kitson, who served on the National Executive Committee and the Scottish Trades Union Congress, argued so strongly in favour of devolution from an early stage onwards, the national leadership of the Labour Party probably perceived devolution to be something the unions truly desired.

The devolution issue was probably made easier from an ideological perspective by not strictly following the traditional left/right divide as there were left and right-wingers in both camps, although this does not imply that ideological reasons were not invoked for the positions adopted by several of the participants in the debate. The members belonging to the left wing of the Party, which would be expected to oppose the devolution plans on ideological grounds, were of course mostly sceptical, but this was clearly a stronger trend in England than in Scotland. There, the idea of moving power closer to the people appealed to certain sections of the Party, and the break-away Scottish Labour Party provided an ideological combination of socialism and home rule for Scotland. Also, the recent EEC entry had already represented a major challenge to the doctrine of the sovereignty of Parliament, leaving parts of the left wing disillusioned. That the devolution debate did not follow the left/right divide, and thereby tap one of the more permanent divisions in the party, seems likely to be one of the reasons that the split was so rapidly healed after the

⁴³⁴ Bleiman and Keating, *Labour and Scottish Nationalism*, 171.

defeat in 1979. On the whole, there was surprisingly little internal debate and conflict after the loss in the referendum. The Scottish Council of the Labour Party was supposed to have changed its view on devolution wholeheartedly, but the Scottish Conference following immediately after the referendum put no pressure whatsoever on the Labour Government to make the issue a priority. If this had been a policy with deep-seated support in the Party, the disloyal Party members who had campaigned for a 'no' result would most certainly have been condemned. Instead, the keynote of the Scottish Conference in March 1979 was unity. This is of course understandable, with such a dire situation at hand and the Government on the verge of a collapse, but it is not hard to envisage other political parties where sections of the party would have spoken out against saving the Government if the price was considered too high. Clearly loss of credibility on the devolution issue and criticism from the SNP was not too high a price to pay if the party could cling to power for a few more months, or at least appear united if a general election was unavoidable. This image of the Labour Party as purely pragmatist (or even borderline opportunistic), leads us to the fourth explanation for the policy change – fear of the loss of votes.

The SNP by-election victory in Govan in November 1973 was a sign that the secure working-class support that had allowed Labour to suppress the national dimension was beginning to crumble. The argument that Scotland benefited economically from the Union had always been an important one, but with the discovery of North Sea oil, which coincided with an economic recession, this argument clearly carried less weight. As shown above, Labour was dependent on Scottish votes to achieve a majority in the House of Commons. However, the SNP had always done better in by-elections (Motherwell, Hamilton, Govan) than in general elections. They possessed an impressive by-election machine, with activists pouring into the constituency from all parts of Scotland, and thus the by-elections were considered to be the greatest opportunities for a SNP advance.⁴³⁵ Therefore, although there had been some warning signs, the result of the 1974 February general election represented a powerful shock to Labour.

It is of course difficult to tell whether the support for the SNP in 1974 was simply a protest vote. While the SNP's 22 per cent vote in February could be discounted as equivalent to the English third party (the Liberal) vote at the time, the English Liberal vote declined somewhat at the next election in October, while the SNP rose to over 30 per cent.⁴³⁶ As mentioned above, William Miller has attempted to link the support of the SNP

⁴³⁵ Bennie, Brand, and Mitchell, *How Scotland Votes. Scottish Parties and Elections*, 77.

⁴³⁶ Miller, "The Scottish Dimension," 100.

in this period to Labour's failure to deliver devolution (see p.75). However, his analysis does not explain the decline of support the SNP experienced in the 1979 general election, which was held after the Labour Party had failed to deliver devolution. Miller might still have a valid point when he concluded that while anti-devolutionists among Scottish Labour activists feared that Labour was befriendng the SNP, that it is more reasonable to believe that Labour adopted devolution to appease its friends the Scottish voters, not its enemies the SNP.⁴³⁷

As political parties and their leaders are supposed to represent their voters, there is certainly nothing wrong with a political party listening to the wishes of the people and changing its policy accordingly. But, when a significant policy change takes place within a very short time, made by a minority government planning the next election, and crashes with present party ideology and a policy clearly stated only six months previously, the issue is much more complex. When the two former Prime Ministers, Wilson and Callaghan, in their memoirs, attempt to rewrite history by misleading their readers about what was actually in the Labour Party's manifestoes and *when* the policy change was made, this indicates that the truth might be somewhat embarrassing. This makes it easier to believe that it was the electoral threat from the SNP that was the main reason for the change, not a heartfelt desire for greater democracy and more power to the people of Scotland. There were also numerous attempts at placing the initiative with the Scottish Council of the Labour Party instead of with the Party leadership in London, ranging from the paper issued in August 1974 (see p.32) to the glossy 1997 pamphlet which simply states that "the Scottish Labour Party reasserted its support for Scottish home rule in 1974. As a result of this the Labour Government began to implement plans for a Scottish Assembly".⁴³⁸ Had the demand for devolution really emerged from below, in the shape of a coherent public demand brought forward through the SCLP, the Scotland Act and the result of the 1979 referendum might have looked very different.

Not only before, but also after the referendum on 1 March 1979 did there exist a majority in favour of some measure of devolution in Scotland. In spite of this, a minority of the electorate voted in favour of the implementation of the Scotland Act. It is therefore reasonable to believe that it was the Scotland Act itself that was rejected, not necessarily the idea of devolution, and it might also have been a rejection of the Government which tried to convince the Scottish people of the merits of the Act. It is necessary to remember

⁴³⁷ Ibid., 104.

⁴³⁸ The Scottish Labour Party, *Referendum97* (Glasgow: Scottish Labour Party, 1997), 5.

the context; the Callaghan Government, struggling through its final months, attempting to rid itself of the image that the “winter of discontent” had brought upon it.

The Labour Party put little effort into the referendum campaign. As devolution had been presented by the leadership as a demand coming from “the Scottish people”, it came as a surprise when devolution actually had to be fought for in the face of a ‘no’ campaign. Labour Party activists, and thereby their devolution campaign, were lacking in conviction, while the ‘no’ campaign hammered away at fears of more government, more bureaucracy, higher taxes and separatism. As shown earlier, the ‘yes’ side came through as divided, especially with the Labour Party’s vehement refusal to cooperate at all with the other organisations. It is never easy to campaign together with people who envisage a totally different goal at the end, and the SNP’s image of Scotland as a separate nation had little in common with Labour’s view of devolution as a measure to ultimately strengthen the union. It was less problematic on the ‘no’ side, where the ‘Scotland Says No’ campaign made no attempt whatsoever to offer alternatives, and thereby succeeded in keeping a more united front against the Assembly (see p.80).

It is also possible that Bleiman and Keating have a point when they argue that Labour, by endorsing devolution, deprived the SNP of an important issue, and that this ironically led to a cooling of public enthusiasm for devolution as the referendum campaign opened.⁴³⁹ Within the Labour party, the campaign was largely fought by the party leadership from Edinburgh and London, with the Party grassroots displaying at best uneasiness or resignation, at worst opposition. Based on the empirical findings of this thesis, it is natural to conclude that Labour local councillors did not fear the removal of power from London, as this power to a large degree already rested at St Andrew’s House, but rather the transfer of powers from the local councils to an Edinburgh-based Assembly.

As touched upon in chapter 6, the choice between conflicting identities and priorities is to a large degree decided by context. The “winter of discontent” probably witnessed a decline in the loyalty to the Labour party among party members as well as Labour voters. The existence of the ‘Labour Vote No’ group made it easier for people to vote ‘no’ or abstain without feeling that they betrayed their own party identity. When for instance Tam Dalyell chose the defector and left-wing rebel Jim Sillars as a combatant instead of a faithful Labour politician, this was a brilliant strategic move, as it made opposition to the Scotland Act look compatible with being a loyal Labour member (see

⁴³⁹ Bleiman and Keating, *Labour and Scottish Nationalism*, 187-88.

p.89). On the Conservative side, Lord Home's late opposition to the Scotland Act made it possible for Conservative pro-devolutionists to vote 'no', preserve their loyalty to the Conservative Party, and not feel that they had betrayed the Scottish cause. In the next decade, Margaret Thatcher's projecting of a British identity gave rise to a stronger Scottish identity juxtaposed to it, and a strong and popular Labour Party would come to receive support for its plans for a Scottish Parliament. It is also reasonable to assume that loyalty to a political party is weakened when the party itself is divided, and when it does not convincingly convey the impression that it is working for an issue it holds to be important. In contrast, the fear of an Assembly dominated by the central belt seems to have led to a stronger regional or local identity, in opposition to a Scottish identity.

To briefly sum up, this thesis has shown that the Scotland Act was weakened by resistance from within the Labour Party, and therefore rejected in the referendum by a majority of the electorate (either by voting against it or by not voting at all). The fact that the Labour Party failed at getting the rather sudden policy change to permeate the entire party, led to the Scotland Act being debilitated in Parliament. First of all a referendum was included, something which was not part of the initial strategy. Then the 40 per cent rule was added, the ultimate reason for the repeal of the Act. The Assembly that was presented to the electorate was feeble, with few economic powers, and several issues were left unresolved. It is true that few amendments to the Bill were passed, but that was because the opposition was strong inside the Party and, as the Government was desperate to get the Bill through without a repetition of what happened to the Scotland and Wales Bill in 1977, it had already taken the changes on board and included them in its last version of the Bill. In retrospect, after studying what happened during the 1980s and 1990s, it is possible to see how different the result could have been with grassroots mobilisation, a policy thoroughly embedded in the party, and a government with a larger majority not dependent on the vote of every single Member. It is also, of course, possible that the issue was somewhat premature in 1979 and actually benefited by a twenty-year delay, resulting in a more powerful Scottish Parliament than the Government could have delivered in 1979, and beyond any reasonable doubt the wish of the Scottish people.

APPENDIX

Index of central persons.

(Page reference, and biographical information relevant for this thesis.)

- Buchan, Norman (1922-90) Labour MP 1964-90. Parliamentary Under-Secretary of State for Scotland 1966-70. *46, 59, 62, 81*
- Callaghan, James (1912-2005) Labour MP 1945-87. Foreign Secretary 1974-76. Prime Minister 1976-79. Leader of the Labour Party 1976-1980. *4, 14, 16, 26, 50, 55, 56, 76, 77, 93, 97, 98, 104, 105, 106*
- Castle, Barbara (1910-2002) Labour MP 1945-79. Minister of State for Social Affairs 1974-76. *32, 42*
- Cook, Robin (1946-2005) Labour MP 1974-2005. Vice-Chairman 'Labour Vote No' campaign 1978-79. *46, 49, 60, 63, 65, 80, 81, 95, 96, 97, 110*
- Crowther-Hunt, Lord (1920-87) Fellow and Lecturer in Politics, Exeter College, Oxford. Member of the Royal Commission on the Constitution 1969-73. Constitutional Advisor to the Government 1974. Minister of State (Education) 1974-76. Privy Council Office 1976. *24, 28, 29, 32*
- Cunningham, George (1931-) Labour MP 1970-81, Social Democratic Party MP 1981-83. *47, 59, 60, 65, 95, 104*
- Dalyell, Tam (1932-) Labour MP 1962-2005. Vice-Chairman 'Labour Vote No' campaign 1978-79. *16, 20, 25, 28, 29, 33, 36, 39, 45, 53, 54, 55, 59, 60, 64, 65, 66, 75, 80, 86, 89, 90, 97, 98, 108, 113, 115, 117, 122*
- Eadie, Alex (1920-) Labour MP 1966-92. Junior Minister for Energy 1974-79. *22, 39*
- Ewing, Harry (1931-) Labour MP 1971-92. Parliamentary Under-Secretary of State for Scotland with responsibility for devolution 1974-79. *22, 39, 48, 79, 113*
- Foot, Michael (1913-) Labour MP 1945-55 and 1960-92. Secretary of State for Employment 1974-76. Lord of the Council and Leader of the House of Commons 1976-79. Leader of the Labour Party 1980-83. *48, 51, 53, 56, 61, 93, 104, 106*
- Hart, Judith (1924-91) Labour MP 1959-87. Under-Secretary of State for Scotland 1964-66. Minister for Overseas Development 1974-75. *30, 32*
- Heffer, Eric (1922-91) Labour MP 1964-91. *20, 44, 46, 47, 48, 49, 51, 53, 58, 61, 62, 74, 106, 110*
- Kinnock, Neil (1942-) Labour MP 1970-95. Leader of the Labour Party 1983-92. *46, 51, 52, 104*
- Kitson, Alex (1921-?) Executive Officer of the Trade and General Workers Union. Member of the Labour Party NEC from 1968. Member of the National Committee of 'Yes for Scotland' 1978-79. *30, 31, 78, 119*
- Lawson, George (1906-78) Labour MP 1945-74. Chairman 'Scotland is British' campaign 1976-78. *20, 28, 31, 44, 50, 56, 57, 60, 61, 79, 117*
- Liddell, Helen (1950-) General Secretary of the Scottish Council of the Labour Party 1977-88. *78, 79, 88*

Millan, Bruce (1927-) Labour MP 1959-88. Parliamentary Under-Secretary of State for Scotland 1966-70. Minister for Scotland 1974-76. Secretary of State for Scotland 1976-79. *50, 59, 63, 96*

Ross, William (1911-88) Labour MP 1946-79. Minister of State for Scotland 1964-70 and 1974-76. *13, 16, 21, 30, 49, 50, 93*

Short, Edward (Ted) (1912-) Labour MP 1951-76. Lord President of the Council and Leader of the House of Commons 1974-76. Life Peer 1976. *29, 31, 42, 43, 48, 51*

Sillars, Jim (1937-) Labour MP from 1970. Defected to the Scottish Labour Party in 1976. Joined the SNP after the SLP was dissolved in 1979. SNP MP 1988-92. Member of the National Committee of the 'Yes for Scotland' campaign 1978-79. *21, 22, 31, 39, 42, 48, 61, 63, 78, 89, 90, 102, 103, 111, 115, 122*

Smith, John (1938-1994) Labour MP 1970-94. Minister for devolution 1975-78. Secretary of State for Trade 1978-79. Leader of the Labour Party 1992-94. *39, 54, 56, 59, 93, 96, 97*

Wilson, Brian (1948-) Labour MP 1987-2005. Chairman of the 'Labour Vote No' campaign 1978-79. *31, 80, 94, 97*

Wilson, Harold (1916-95) Labour MP 1945-83. Leader of the Labour Party 1963-76. Prime Minister 1964-70 and 1974-76. *11, 13, 14, 16, 21, 26, 28, 33, 41, 50, 117*

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